# BOMBAY COURIER.

VOL. XXVIII.] SATURDAY, JUNE 27, 1818. [NUMBER 1348


IT has been resolved, that all Advertisements which appear under the Signature of the Secretary to Government, or of any other Officers of Government properly authorised to publish them in the BOMBAY COURIER, are meant, and must be deemed to convey official Notification of the Board's Orders and Regulations, in the same manner as if they were particularly specified to any Servant of the COMPANY, or others to whom such Orders and Regulations have a reference.

BOMBAY CASTLE, 21st SEPTEMBER, 1792.

JOHN MORRIS, SECRETARY.

## Government Advertisement.

NOTICE IS HEREBY GIVEN,

THAT Proposals will be received by the Right Honorable the Governor in Council, on Wednesday the 1st July next, from any Person or Persons, who may be willing to lease the several undermentioned Ferries for three years commencing from the 1st of July next.

From Tannah (on the Island of Salsette) to Culvah,
" Collsette (Ditto Ditto) to Caller,
" Gorrbunder (Ditto Ditto) to Bassein,
" Goremaut (Ditto Ditto) to Naglem,
" Dongree (Ditto Ditto) to Bassein.

Further particulars will be obtained on application to the Custom Master of Salsette.

*Published by order of the Right Hon'ble the Governor in Council,*

W. NEWNHAM,
*Secretary to Govt.*

BOMBAY CASTLE,
*19th June* 1818.

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શરકારી·નાકીર·ખબર·થાએ

એવીજે·ઠેકાણે·ઠેકલ·લખેલી·તરો
ની·ખોતી·આવતા·જુલાઇ·માશની·તા
રીખ ૧ થીતે·તરત·વરશ·શુધી·કરવા
શ ૩·જેકોઇ·આદમી·રાજી·થઇને·પરપો
જલો·આપશે·તે·ખુધ·વારનાં·દંને·તા
રીખ ૧ આવતા·જુલાઇ·માશમાં·રેઢ·
ફેનરાબલ·ગવરનર·ફોશલ·મધે·લેશે
નર ૧ પરાંત·શાશઠીનાં·ઠાંનાં·થીતે·ક
લવા·શુધી *
નર ૧ ફોલશેત·થીતે·કાલન·શુધી *
નર ૧ ધોર·જંનદર·થીતે·વશાઇ·શુધી
નર ૧ ગોરમાલ·થીતે·નાગલેમ·શુધી*
નર ૧ ડોગારી·થીતે·વશાઇ·શુધી *

બાકી·શરવે·જીનાં·શાશઠીનાં·કરા
દેમ·માશતર·એટલે·નકકાતદાર·એકુને·
નાં·પુછાથી·માલુમ·થાશે—તા· ૧૮ જુ
ન·શંને ૧૮૧૮ અંગરેજી *

R. T. GOODWIN,
Sec. & Translator in the Office of Country Correspondence.

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શ્રી

બરમજીખાશીર કેબરછેબે
છેજીનેબમતેબ ઘરુઉછીકેખ્યા
નગેલાઘેતીછેતે જીકઈ મછીન્યા
ચે ૧ તેર્છેપાછીબતે તીબપકછે
છેતેમમપયાબ બેધ્રિપી મઉરીબ
જીચેબીબ પ્રપીબકછેતીકતે છીઇબ
જીતાજીચે ૧ છેતેજીકઈ મછીન્યાત
રેંઈગછંબમઘક ગંપરબરમ્રેબ્ન
નચેતીક

નર પ્રાંતબાકીછેબ્બીકવણે પા
છેબતે મકપેપાપેતો
મીતામ્રેકષેત પાછેબતે મકનં
પાપેતો
મીતા ઘોડઘંઘર્પાછેબતે પબ
ઈપાપેતો
મીતા ગોરમકપાછેબતેમગકે
મપાપેતો
મીતા ડોગજંપાછેબતે પબઈ
પાપેતો
પરમડબકીલ્લર બાકીછેબ્બીક
મલ્લમંમલ્લર મ્બણકે બમ્રતઘર્
યાબમડબ કીચાર્બ્યાબ્વકીમછે
ઈક તાગીચે ૧૯ મછે ઊ.મ બબ
૧૮૧૮ ઈંગ્રેજી

R. T. GOODWIN,
Sec. & Translator in the Office of Country Correspondence.

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*NOTICE IS HEREBY GIVEN,*

THAT the MONTHLY GENERAL SALE of the Hon'ble Company's WOOLLENS, METALS, COCHINEAL, and OTHER STORES, will take place on Wednesday the 1st of July, and continue for one week.

The Sale each day will commence at noon.

*By Order of the Right Hon'ble the Governor in Council.*

R. T. GOODWIN,
T. G. GARDINER,
*Committee Gen. Sales.*

BOMBAY,
General Sale Room
27th June 1818.

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જાહેર·ખબર·થાએ

એવીજે·શરકારી·બનાત·તથા·ધાત
તથા·ફીરમન·તથા·બીજી·જનશની·દ
ર·મહીનાની·વકરી·બુધ·વારે·તારીખ
૧ જુલાઇના·દંને·થાશે·તે·તે·વકરીએ
ક·કુકતા·શુધી·બારી·રેશે *
વકરી·દર·દીને·બપોરથી·ચાલુ·થા
શે—તા· ૨૩ જુન·શંને ૧૮૧૮ અંગ
રેજી *

R. T. GOODWIN,
W. K. & Com. Acct.

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શ્રી

બરમજીખાશીર કેબરછેબે
છેજીનેબરમજી ઘમતંપધાજી
પમીરમીબ પર્શતરજીબઇ યાચી
ઘરનચાચી કીમરજીછેઇચજી તા
જીચે ૧ મછેઊકઈચેમ્રેજી છેઈ
કતીકીમરી બેમઘઠવડાઇબ્રેતેચા
ઠીમ્રકીબ

કીકીબર કીપબ રોંમપ્રછજીછે
તમઈક તાગીચે 23 મછે ઊનં
બનં ૧૮૧૮ ઈંગ્રેજી

R. T. GOODWIN,
W. K. & Com. Acct.

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## *ADVERTISEMENT.*

TO BE SOLD
BY PUBLIC OUTCRY,
AT THE OUTER GATE
OF THE
*HON'BLE COMPANY'S POWDER WORKS,*
AT
MAZAGON,
On WEDNESDAY the 1st July 1818,
AT 11 O'CLOCK IN THE FORENOON,
A QUANTITY OF
*SUNDRY UNSERVICEABLE*
COPPER & BRASS WARE,
BELONGING TO THE
HON'BLE COMPANY.

The articles to be cleared away and paid for immediately, or resold at the risk of the first purchaser.

*Bombay 25th June* 1818.

D. CHRISTIE,
*Agent for Gunpowder.*

*By Order of the Military Board,*
E. H. BELLASIS,
SECRETARY.

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## *ADVERTISEMENT.*

On MONDAY the 29th Instant
AT 11 O'CLOCK IN THE FORENOON
*WILL BE DISPOSED OF*
BY PUBLIC AUCTION
AT
DR. PALMER'S BUILDINGS
*APOLLO STREET,*

THE Remainder of the Investment lately advertised; consisting of Beer, Champagne, Hock, Claret, Confectionary, Oilmanstores, Hams, Cheese, Millinery, Haberdashery, Cotton Goods, Perfumery, Ornamental hair, Pictures, Glassware, Saddlery, Watches, Chains, Guns &c. &c. &c. An elegant Organ with 4 Barrels.—Catalogues to be had on the Premises.

*Bombay 27th June* 1818.

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જાહેર·ખબર

શોમ·વારનેં·દીને·તારીખ ૨૯ મી
જુન·નેં·દીને·કબાક ૧૧ નાં·જાહેર·
લીલાંહુ·કરીને·વેચશે·દાકતર·પાલમર
વાલા·ધેરમાં·એપાલો·જકાટરીટ·મધે·
બાકી·રેકેલો·માલ·જે·આગબ·નીકરા
પેપર·મધે·છાપેલો·હતો·તેજે·દાકુનાં
મે·બીઅર·તથા·શાંપેન·તથા·કાક·
તથા·કલારેટ·તથા·એંગરેજી·મીઠાઇઓ
તથા·વેલાતી·તરાં·તરાંનુ·તેલ·તથા·હે
મ·તથા·પનીર·તથા·મીલીનરી·તથા·
કાબરદાશેરી·તથા·કાપર·તથા·પરકુમે
રી·તથા·લેડીનાં·બાલની ટોપીઓ·તથા
પીકદરો·તથા·બીજોર·કાંમ·તથા·ગી
રાનાં·જીન·તથા·ગારીઆલો·તથા·ગારી
આલાની·શાંકલીઓ·તથા·પીશટોલો
એ·વગરે·બીજીબીછે·તથા·એક·શા
રી·આરગીન ૪ બારેલો·શાથેછે·એનુ
લીસ્ટ·તેજ·જગો·ઉપર·મલશે *

તા· ૨૬ મી·જુન ૧૮૧૮

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## ADVERTISEMENT.

TO BE SOLD,
*BY PUBLIC AUCTION,*
ON TUESDAY next, the 30th instant,
and following days—
AT CAPTAIN D'BROSSE'S HOUSE,
HUMMUM STREET:

The remaining Articles of Wine, Liquors, &c. &c. &c.

THE above Articles will be put up to suit the convenience of the purchasers, the Lots to be paid for and cleared away within 4 days after the sale; or to be sold again at the risk of the first purchasers.

*Bombay, 27th June* 1818.

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## *SALES BY AUCTION,*

ON WEDNESDAY next, the 1st July,
AND FOLLOWING DAYS, WILL BE HELD
AT LOUGHLIN'S
*Auction Rooms as usual:*

THE Sale to commence each day at 11 o'clock forenoon.

*Bombay, 27th June* 1818.

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## *FOR SALE*

AT the Godowns of MESSRS. PEREIRA AND SOBRINHO, Port Wine of high flavour, in Chests of 6 & 4 dozens at 18 Rupees per dozen.

*Bombay 26th June* 1818.

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## ADVERTISEMENT.

ECCLESIASTICAL SIDE,

PROBATE of the last will and Testament of PANDOORUNGJEE SHAMSETT, late of Bombay, Hindoo inhabitant, deceased, having been granted, on the 22d day of June inst. by the Hon. the Court of the Recorder of Bombay, to JAGONATH PANDOORANGSETT, SON and one of the Executors therein-named; all persons concerned are hereby apprized thereof.

*Bombay 27th June* 1818.

## A COMPILATION

*Sanctioned and Patronised by* His Excellency the Most Noble the Right Honorable the Governor General in Council,

OF

NAUTICAL Discoveries, Dangers at Sea, and the Observations of Navigators, tending to insure greater safety to East Indian Shipping in their Navigation, to be published in separate numbers, as subjects for publication arise, by Alexander George Paterson, Esq. encouraged by a Body of the Underwriters of this and of the Western side of India.

This work has been undertaken for the purpose of preserving and conveying to Navigators of East India Ships, such recent discoveries of dangers, and such other observations as may insure greater safety to Ships in the prosecution of their voyages: and thus to tend in preventing the losses of Property and Lives, that have in some instances arisen from the want of a better knowledge of existing dangers.

The price of each number of the work will be, viz.

To Subscribers, .. .. Sicca Rupees 4
To Non-Subscribers, .. Sicca Rupees 5

*N. B.* The first number is in the Press, and will be issued almost immediately.

## *A CARD.*

Such Person or Persons as may be willing to become Subscribers to the above work, willbe pleased to apply at the Office of Messrs. ANDERSON & CO.

*Bombay 27th June* 1818.

## FOR PASSENGERS.

THE Fine fast sailing Ship Leda, GEORGE LAMB, Commander—will sail early in July for Liverpool, has good accommodations for passengers—a large Cabin and a commodious round House, with would be convenient for any family.—Apply to Messrs. REMINGTON CRAWFORD & Co. or to the Commander on board.

*Bombay, 27th June* 1818.

## *Pestonjee Bhicajee & Sons.*

BEG to inform their friends and the Public, that they have received per Ship Partridge, Captain Anderson, an assortmen of Europe goods, consisting of the following Articles, now opened for sale at their Shop viz.—

Lace, and Edging, Millinery, Ribbons, Ladies' and Children's Shoes, Hair Ornaments, Haberdashery, Artificial flowers, Confectionary from Hoffman, Jam, Jelly, Bottled Currants, and Damsons, Bottled Ale from Field and Son, Boots and Shoes from Stunt, Stationary, Saddlery from Gibson, Hunting and Cavalry Saddles, and Buggy Harness, Plated ware, Bottle Stands, and Candle Stands, Silk and Cotton Hosiery, Perfumery from Smyth and Nephew, Oilmans Stores from Hesketh Davis, Fish Sauce, Walnut and Mushroom Ketchup, Salted Salmon, red and pickled Herrings, Tinware, Iron, Copper and Tin Tea Kettles, Japan Tea Pots, Coffee Biggins and Dish covers, Gentlemen's round and cocked Hats from Bicknells and Moore, Port and Claret from Gledstanes and Co. Grocery, Pearl Barley, Currants, Maccaroni, Chocolate, Cocoa, and Bloom Raisins.

*Bombay, 26th June* 1818.

## *ADVERTISEMENT.*

LETTERS of Administration, of all and singular the Goods, Chattels, Rights and Credits, of Lieut. HENRY GEO. CHRISTOPHER RODGERS, late in the Military Service of the Hon'ble East India Company, on this Establishment, deceased, having been granted by the Hon'ble the Court of the Recorder of Bombay, to the Registrar for the time being of the said Court (Mr. RICHARD WOODHOUSE), all persons concerned are hereby apprized thereof.

*Bombay 26th June* 1818.

## *ADVERTISEMENT.*

PROBATE of the last will and Testament, of COLONEL WILLIAM EAST C. B., late in the Military Service of the Hon'ble East India Company, on this Establishment, deceased, having been granted by the Hon'ble the Court of the Recorder of Bombay, to CAPTAIN GEORGE GRANT of the said Hon'ble Company's said Service, on the same Establishment, Brigade Major to the Guicawar's Subsidiary Force, and who is an Executor named in thesaid will; all persons having demands on the Estate of the said deceased, are therefore requested to send in the same forthwith for adjustment, with copies of their securities (if any), to Messrs. REMINGTON CRAWFORD & CO. of Bombay, the Agents of the said Executor, and all those who stand indebted to the said Estate of the said deceased, are requested to make payment of their respective debts to the said Messrs. Remington, Crawford and Co. without delay.

*Bombay 25th June* 1818.

## *ADVERTISEMENT.*

THAT the sale of several damaged articles per Brig Minerva, at Messrs. ANDERSON & CO'S. Godown, advertised in the Bombay Courier of the 20th Instant, has been, in consequence of the heavy rains, unavoidably postponed till Tuesday next the 30th Instant.

*Bombay 26th June* 1818.

## Messrs. Shotton Malcolm & Co.

HAVE received a further supply of Tickets of the nineteenth Calcutta Lottery, for disposal at 110 Rupees each until the 4th July next, after which date the price will be Rupees 121 per Ticket.

*Bombay, 27th June* 1818.

## *ADVERTISEMENT.*

LETTERS of Administration, of all and singular the Goods, Chattels, Rights and Credits, of Lieutenant THOMAS GEORGE PATTINSON, late in the military service of the Honorable East India Company, on this Establishment, deceased, having been granted by the Honorable the Court of the Recorder of Bombay, to the Registrar for the time being of the said Court (Mr. RICHARD WOODHOUSE), all persons concerned are hereby apprized thereof.

*Bombay, June 19, 1818.*


## GENERAL ORDERS.

BOMBAY CASTLE, 18th June 1818.

*By the Right Hon'ble the Governor in Council,*

THE undermentioned Gentlemen who have been appointed acting Ensigns are promoted to the rank of Ensigns.

G. S. T. Plaisted,—Date of rank 28th Sept. 1817.
Francis T. Farell,—Do. do. 20th January 1818.
David Forbes,—Do. do. 23d February 1818.
J. R. Woodhouse,—Do. do. 1st May do.

Messrs C. C. Massey, and S. Turner, who arrived on the 4th Instant, having produced certificate from the Secretary at the East India House of their appointments of Cadets on the Bombay Military Establishment, are accordingly admitted on the strength of this Presidency, and promoted to the rank of Ensigns from the date of their arrival.

The following alterations and promotion are ordered to take place in consequence of the retirement of Surgeon Wm. Gourlay, from the Honorable Company's service on the 17th June 1817.

*Medical Establishment.*

ALTERATIONS.

Surgeon Wm. Panton, to be Surgeon vice Gourlay retired,—Date of rank 18th June 1817.

Surgeon D. Craw, to be Surgeon on the Augmentation.—Do. do. 1st November 1817.

Surgeon Alexander Gordon, to be Surgeon on the Augmentation,—Do. do. 1st January 1818.

*Promotion.*

Assistant Surgeon George Ogilvey, to be Surgeon, vice White deceased,—Date of rank 6th January 1818.

BOMBAY 19th JUNE 1818.

The Right Honorable the Governor in Council is pleased to appoint Lieut. Remon, Executive Engineer Officer in the Northern Division of Guzerat; and Lieut. Price the executive officer with the Baroda subsidiary force.

The Right Hon'ble the Governor in Council is pleased to announce the surrender of the Town of Sunghumseer and the fort of Rutnaghury to the troops under the command of Lieutenant Colonel Kennedy.

The Right Honorable the Governor in Council is pleased to direct that the appointment of late Adjutant to the troops under command of Lieutenant Colonel Kennedy, conferred on Lieut. Capon on 3d March last, be discontinued.

The Right Honorable the Governor in Council is pleased to announce the surrender of the forts of Jeyghur Weejyghur to the troops under the Command of Lieutenant Colonel Kennedy.

*Bombay Castle 22d June* 1818.

The Right Hon'ble the Governor in Council is pleased to discontinue the appointment of assistant Commissary of Stores with the force under Lieutenant Colonel Prother, conferred on Lieutenant Miller in general orders of the 3d of April.

*By Order of the Right Hon'ble the Governor in Council.*

J. FARISH.
*Sec. to Govt.*

# THE COURIER,

JUNE 27, 1818.

We anticipated in our last number the fall of Mulliagaum; we have now the pleasure to state that the few but brave defenders of this important fortress surrendered at discretion on the 12th instant, the day after the explosion of their grand magazine. We have been favored with the following account from our intelligent correspondent, which we have great pleasure in laying before our readers. An account published by our brother editor states, that the garrison which surrendered consisted of only 310 men, of which 30 were Hindoostanees. The Bombay troops before the place were, General Smith's park, some volunteer officers of artillery, Superintending Engineer Nutt, and 1st of the 4th under Major Watson.

'*Maligaum 14th June* 1818.

'The siege of Maligaum, which had been suspended from the 29th May, was again resumed with fresh vigour, on the arrival of the guns and ammunition from Seroor, on the 9th inst.

Early in the morning of the 11th a battery of eight mortars opened on the fort, and at noon an explosion took place, exceeding in grandeur any thing we had ever witnessed. It was expected that the inner fort must have been entirely blown into the air, or levelled; but when the smoke cleared away, there was only one breach of about 60 feet in the north face, opposite our battery.

The firing continued till 12 the following day, when the opening of the breaching battery, on this side, deprived them of all chance of holding out much longer, and offers of unconditional surrender were sent to camp. The British standard was displayed on the highest tower on the 13th, but the garrison were spared the humiliating ceremony of laying down their arms, till the following morning. It was deemed necessary, in consequence of the extreme distrust of our promises to save their lives, which they had evinced, and in consideration of their natural fierceness, and the indelible disgrace they attach to being disarmed, to direct all the Europeans, and a company from each corps, to be drawn up, to prevent any rash act the enemy might attempt to commit, as well as to witness their submission. The garrison marched out, and formed opposite our line, at the distance of 25 paces, with the greatest regularity and decorum, and laid down their arms of every description without a murmur. When all the arms were placed on the ground, the Arab Jemidars most respectfully entreated Colonel MacDowal to restore them their swords, or some remembrance of his kindness; the Colonel without hesitation, presented all three with their arms.

These brave Arabs placed little or no confidence in our clemency, & it was not improbable, they might, from despair, commit some desperate act, the greatest caution and good management in our behaviour towards them on the present occasion was therefore imperiously called for; for besides the written and verbal promises of the gallant Colonel, repeatedly asked, and given, it required all the solemn oaths of an Arab Jemidar from camp, to induce them to trust their lives in our hands.

It was generally thought amongst us, that a mark of kindness to so brave an enemy, would very much facilitate every object of Government, and spare much blood in the subjection of Khandeish. We observed therefore, with great satisfaction, the Colonel proceed to restore to every Arab, his *jumbeea*, (two knives) his carpet, and his clothes; and this mark of generous attention gladdened the hearts of the foreign captives beyond all description. Only one young man received his jumbeea with a sorrowful countenance, and on stepping back a few paces from his arms, burst into tears.

A braver garrison never laid down their arms, nor has a better opportunity often presented itself for thus establishing the generosity of our national character.

Entering the fort, the breach was found to be 38 feet from the bottom of the ditch, but the explosion had thrown the inner and outer walls into the ditch, and completely filled it up. The inner fort is a square of 250 feet, with a round tower at each corner, and another in the centre of every face except the eastern one, in which are the gates with two towers on a wall advanced 60 feet from the body of the place.

Nothing could exceed the solidity of the walls, about 50 feet high and 16 broad. A ditch from 12 to 26 feet deep, and 24 wide, runs all round 45 feet from the curtain, the inner wall of which was carried up 16 feet above the soil, and a strong terraced stabling against it, formed two tiers of loop holes, through a five feet wall, commanding the ditch and outworks. The outer wall of stone and chunam, is washed by the Moosuma on the western side, and stands 40 feet from the ditch, but at all other places more than three times that distance. On the east, where it is of mud, there is a second, much out of repair; and on the north, where you pass the ditch, and also the ninth and last gateway, a double wall extends nearly to the western corner, of about 20 feet high and 12 broad, covering the centre or paga wall intirely from the iview.

Such a place is proof against all *irregular* approaches, and the rock on which it is situated being generally unfavorable for mining, the siege must always be a protracted one, unless favored by an accident such as mentioned above."

We have, during the last week, received our papers from the sister presidencies with the same regularity as before the commencement of the last brilliant and successful campaign. Our Calcutta journals coming down in regular series to the 4th Inst. and our Madras papers to the 11th Instant. From the columns of the latter we are almost exclusively indebted for the selections we have this week made of the latest articles of European intelligence, the arrival of the Madras and China ships of the season having put our brother Editors on the other side of India, in possession of a few days' later European news than we have received direct. In our number of the 14th March we gave a report of the trial of Abraham Thornton for the murder of Mary Ashford, and in the paper of the 18th April, some further proceedings on the appeal of the next of kin of the deceased. We have this week inserted the replication of Thornton, and a pretty full report of the arguments of the appellant's counsel in this highly interesting case.

Sir James Mackintosh, our late Recorder, has accepted the Professorship of Law at the East India college, vacated by the resignation of E. Christiam Esq.

The force under Colonel Kennedy in the Southern Kokun, have recently added the fort of Retnageriah to their former conquests; this fort stands on a neck of land in Latitude 17° 2 N. and shelters a small bay, from the S. W. monsoon; on its south side, is the mouth of a small river, we believe not navigable; its vicinity to the large town of Rajapour, has prevented it from being much frequented, although a great deal of the best hemp is grown hereabout, & coffee of good flavor is raised in considerable quantity.

[*Bombay Gaz. 24th June.*

Arrivals.—Ensign J. Jopp, Engineers.
Lieut. R. Bell, Bengal N. I. attached to H. H. the Nizam's Troops in Berar.
Assist. Surgeon D. S. Young, reformed horse.
Lieut. Colonel Osborne, 1st | 10th Regt.
Lieut. Simpson, 1st | 9th.
Departures.—Surgeon Armstrong.
Brigade Major, J. Taylor.
Lieut. Robt. Paterson, B. E, Regt.

## NAUTICAL CHRONICLE AND NAVAL REPORT.

### BOMBAY.

Arrivals.—June 24th ship Duncan, Capt. M. Boles, from Calcutta the 22d March.


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Do. 26th ship Ahmoody, Capt. R. Burrell from Madras the 11th April.

*Passengers per Duncan,*—Mr. Cross, Mrs. Boles, Master Boles.

*Passenger per Ahmoody,*—Mr. Parry.

DEPARTURES.—June 21st the H. C. ship Earl of Balcarras, Capt. James Jameson, to Penang and China.

Do. do. H. C. ship Buckinghamshire, Capt. Frederick Adams to China.

Do. 22d ship Conde de Rio Pardo, Capt. Henry Beyts, to the Isle of France.

Do. 23d H. C. Cruiser Antelope, Lieut. James Arthur, to the Persian Gulph.

*Passengers by the Earl of Balcaras.*—Mr. Verpleogh, Rev. Richard Jackson, and Mrs. Jackson, Lieut Nattles, Miss Llewellin, Miss Catherine Grant, Wm. Forbes, Invalid Seaman for London.

*Passenger by the Buckinghamshire,*—J. Armstrong Esq. Surgeon.

## CALCUTTA.

ARRIVALS.—May 27th ship Hashmy, S. Slason, from Bussorah 10th March, and Madras 20th May.

28th, ship Syren, T. M'Donall, from China 5th April Malacca, and Penang 7th May.

Ship Georgina, E. Oakes, from Coringa 19th May, and Bimlepatam 20th May.

29th, ship Union. W. S. kitter. put back.

30th, brig Brazillian, T. Baker, from Leghorn 26th January, and Gibraltar 15th Feb.

Schooner Courier, J. Lautier, from West Coast of Sumatra 12th May, and Coringa 23d May.

31st, ship John Palmer, G. Saunders, from London 20th December, and Cape of Good Hope 13th April.

June 1st, brig Dolphin, C. G. M. Cowcher, from Mauritius 21st April.

Cutter Howrah, B. Herrings, from Penang 2d May.

2d, Arab grab ship Mustopha, J. Carrow, from Zeuzebar 14th April.

A ship inward bound passed Kedgeree yesterday, name not ascertained.

*Passengers per John Palmer.*

FROM LONDON.

Miss Robinson,—Lieutenant Tucell.

FROM THE CAPE OF GOOD HOPE.

Miss Grace,—Miss Crawford.—Colonel Grace,—Mr. H. Moscrop,—Mr. T. Hush, R. N.

DEPARTURES.—May 28th, American ship Wallace, J. L. Lee, for Salem.

30th, ship Mary, B. Browne, for London.

Ship Kui Kussroo, J. Kiddle, for Manilla.

June 1st, new ship Shaw Byramgore, G. Hammet for China.

*Vessels remaining at the following stations*, 1, *June* 1818.

AT DIAMOND HARBOUR.—Fort William—Larkins—Goretti, and La Rose, (French ship,) outward bound, remains—Nautilus, gone down—Sea Flower, outward bound, remains—East Indian and Maitland, passed down—Diana coming to Town—and Mustopha, passed up.

At Kedgeree, Fletcher, passed down, and brig Udny, gone down.

At New Anchorage, Oriental, outward bound, remains.

At Sangur, brig Dragon, gone to Sea, 31st ultimo.

## MADRAS.

ARRIVALS.]—June 2d, Schooner Chicken, Capt. J. Carter, from Padang 9th April,—ditto, ship Lady Campbell, Capt. Thomas Marquis, from London 11th Jan. and Portsmouth 4th Feb.—3d, H. C. S. Princess Amelia, Capt. Edward Balston, from London 2d Feb and the Downs 10th Feb.—4th Am. ship Edward, Capt. J. Macy, from New York, 5th Feb.—5th, ship Edward Strettell, Capt. W. Balston, from Batavia, 6th April and Bencoolen 11th May,—Passengers Mrs. Balston, (Mrs. Romburgh, died at sea, on the 16th May,) Mr. George Hodges, Chief officer,—6th, June, H. C. ship London Capt. W. Campbell from Gravesend left 2d Feb. 1818,—ship Helen, Capt. W. Richardson, from Bombay, the 23d May, Passengers for Madras, Capt. Sydnam, Capt. French, Lieut. Venspare, Lieut. Pake and Ensign Oliphan. For Bengal, Mrs. Anna Coutt, Lieut. McMahon. Mr. W. Gordon, Mr. Maynie, Mr. Scott, Mr. Erskine, Dr. Currie for Masulipatam,—ship Wanstead, Capt. W. Young, from London the 8th Jan. and Portsmouth the 5th Feb.

June 7th, Ship Richards. Captain J. MacLean, from Liverpool 29th November and Rio de plata 7th March, June 10th, Ship Jessy, Captain A. Lardale, from Covelong.

DEPARTURES.]—May 29th, ship Po. Captain J. H. Higgins for Trincomalie and Bombay,—June 2d, Brig Dotterell, Captain J. Salter, for Calcutta,—ditto, ship Harriett, Captain H. Bean, for the West Coast and Sumatra,—5th, Brig Hope, Captain P. Thissell, for Pondicherry.

June 4th, Ship Commerce, Captain W. Dolge, for West Coast of Sumatra—6th, Brig Countess of London, Captain W. Johnson, for Porto Novo—7th, Ship Helen, Captain W. Richardson, for Bengal.—9th, Brig Victoria, Captain M. Gonsalves, for Masulipatam and Coringa.—do. Ship Perseverance, Captain A. Brown, for Masulipatam and Bengal.—do. Ship Lady Campbell, Captain Marquis, for Calcutta.

## BOMBAY.

DEATH.—On the 19th Instant, Nana Ragoojee, aged 55 years a Hindoo Native of this place, and for upwards of 35 years a Purvoe in the Office of Messrs Forbes and Company, who, in testimony of the Deceased's long, assiduous and faithful Services, express thus publicly their regret for his Death.

## CALCUTTA.

MARRIAGE.—On the 29th May, Mr. Andrew Jewell, junior, to Miss Sarah Bowbear.

BIRTHS.—On the 1st June the lady of Captain Wm. Swinton, of a son.

On the 29th May, Mrs. Spankie, lady of the Advocate General, of a daughter.

On the 26th May, the lady of Lieut. Pennefather, of H. M. 59th of a Son and Heir

On the 27th May, Mrs. W. Barrington, of a Son.

At Ghazipoor, on the 23d May, the lady of Lieutenant Stephen, of the Engineers, of a Son.

At Chittagong, on the same day, the lady of Henry Walters, Esq. of the Civil Service, of a Son.

At Purneach, on the same day, the lady of Captain J. L. Gale. of the Purneah Provincial Battalion, of a Son.

DEATHS.—On the 1st June, Mrs. C. dell, the lady Major of George Cadell, of the Madras Establishment, —aged 25 years.

At the General Hospital, on the 27th May, Mr. John Lignum, Surgeon,—aged 30.

On the 28th May, Mrs. Mary Ann Higgins, wife of Mr. H. W. Higgins. of the Pilot Service—aged 22 years.

On the 29th May, Mr. Joseph Gonsalves, Second Clerk, Police Department.

On the 1st June, the infant Daughter of the late J. M. Simeon, Esq.—aged 1 year, 9 months, and 24 days

On the 21st of April, aged 41, Mrs. Walters, Wife of Mr. James Walters, of Cawnpore, and late of Binfield Lodge, Berks. She was an affectionate wife for 20 years, a sincere friend, a tender mother to 13 children, and left 9, with a disconsolate husband, to lament her loss.

On the 25th May Charles, the youngest son of Mr. James Walters, of Cawnpore.

In Camp before Chandah, Mr. William Hastie, Assistant Surgeon on this Establishment, and lately attached to the Corps of Artillery now before that Fortress. This Gentleman met his death, by the unfortunate accident of his Rifle exploding, while in the act of loading it. By his death, the Medical Service has lost a young man of exemplory zeal, and promising talents in his profession.

On the morning of the 11th ultimo, whilst on a survey with a reconnoitring party, of the Fort of Chandah and its defences, Mr. Archibald Anderson an Assistant Surgeon on this Establishment. He was shot through the heart by the last gun that was fired at the party. In this Gentlemen, the service has lost a zealous and excellent Officer, whose amiable manners had endeared him to all his acquaintances, by whom his loss is deeply regretted.

## MADRAS.

BIRTHS.—On the 2d June, at Verdachellum, the Lady of George Gowan, Esq, of a Son.

At Manantodddy, Wynaad, on the morning of the 10th of April, the Lady of Mr. Assistant Surgeon C Searle, of a Daughter.

At Secunderabad, on the 30th of April last, the Lady of Captain Tolfrey of the 1st Regiment of Native Infantry, of a Daughter.

On the 2d May, Mrs. W. Stuart of a Daughter.

At Sea, in lat. 37. S. near St. Paul's, on the 15th of February last, the lady of the Honorable Sir T. Stamford Raffles, Lieutenant Governor of Fort Malborough, of a Daughter.

DEATHS.—In General Munro's Camp, after a short but painful illness of fourteen days, which he bore with manly resolution and fortitude, Lieut George Buttanshaw, of the Rifle Corps, this amiable and zealous young Officer fell a victim to his sense of public duty which lead him to accompany his Corps at the storming of the Pedah of Sholapoor on the morning of the 10th instant, although suffering from severe indisposition. He departed this life at the premature age of 21, on the night of the 23d ult. at Hutteed, amidst the tears of all his Brother Officers, who can never sufficiently regret his loss.

At Sea, on the 16th of April, Mr. G. Hodges, Chief officer of the Ship Edward Strettel.

At Trichinopoly, on the morning of the 2d of May Lieutenant Cathcart Taylor, of His Majesty's 53d Regiment, sincerely regretted by his brother Officers.

At Salem, on the 4th June, after a short but severe illness, Charles Carpenter, Esq. Commercial Resident, having held that important station for 21 years.

He was distinguished in his public station by integrity, zeal and ability, as he was in the relations of private life by philanthropy, and every virtue which adorns the human character.

Thus respected and esteemed by all, his death is universally lamented as a public loss; which to those that had the pleasure of his friendship or acquaintance it has proved a most afflicting calamity.

## PRINCE OF WALES ISLAND.

DEATH.—Early on Tuesday morning last, the 7th April, in the 25th Year of his age, DAVID POWELL, Esq. of the highly respectable House of BROWN, and CO. The illness by which, while pursuing the honorable career of a British Merchant, he was thus untimely cut off, was short but violent, occasioned, it is much feared, by imprudent exposure to the Sun. By his premature death, our little Society is deprived of a very amiable and estimable Member, whose memory will long be cherished among us, & who, we sincerely believe, is regretted by all who had the pleasure of his friendship or acquaintance. This is the least we can say of our deceased associate, and we say it not in the mere customary language of a compliment to departed worth. His remains were attended to the place of Interment by the Honorable the RECORDER, Mr. ERSKINE (Member of Council) and most of the other European Inhabitants respectable for their virtue, talents, rank, or wealth. The pall was supported by the following Gentlemen;

| | |
|---|---|
| J. J. ERSKINE, Esq. | Sir RALPH RICE, |
| W. A. CLUBLEY. Esq. | R. IBBETSON, Esq. |
| C. BELLAMY, Esq. | B. C. HENDERSON, Esq |
| D. BROWN, Esq. | J. CARNEGY, Esq. |

## COLOMBO.

DEATHS.—We are again obliged to perform the sad office of announcing the death of another gallant Officer of H. M. 19th Regt. Captain Langton, on the 6th May: in him the service has lost an active and gallant Officer, and Society an amiable and accomplished gentleman.

On the 21st inst. Lieutenant Crutwell, H. M. 83rd Regiment.

# *Ceylon Intelligence.*

## COLOMBO.

### 23d, *May* 1818.

From the Interior we learn that the great meeting of the Pretender and Chiefs in Ouvah has dispersed without any attempt to attack our Posts to the Southward.

If the report made to the Resident be true, and we see no reason to doubt it, neither the Pretender nor any of the Principal Chiefs had ever moved towards Kateragam. It seems that the Pretender, attended by Kappitopola the Chiefs of Harispattoo, Hewahette, Kotmale, and others, went about the 7th instant to the village of Talawa between Welanhenne and Idalgashenne in Ouva: the Ceremonies, whatever they may have been, were performed upon an open spot called Deyabetme Wala, at no great distance from Talawa, where Mr. D'Oyly's informant remained and heard the firing and rejoicings: the Chiefs, immediately this was over, received the Pretender's orders to return to their several districts and attack the English: the 17th was recommended to them as a lucky day to begin their operations. We have not yet heard that this fortunate day, so deliberately chosen, has produced any extraordinary effect: wherever the Kandians have made an attempt they have been repulsed with much loss on their side, and scarcely a casualty on ours.

The 7 Korles appear to be quite cleared from Rebels and all in that rich and extensive Province is perfectly quiet; large supplies of Rice and Slaughter Cattle were sent from Kornegalle to Kandy and have arrived safe without interruption: Captoin Hardy of the H. C. 7th N. I. who was left in command of a Detachment on the frontiers of Matela, made an incursion on the 16th into that Province, he marched 8 miles over a steep and rugged ascent to the village of Gullo Oodahene near which he destroyed a large house belonging to Pileme Talawa whose Palnuquin he also took: Lieut. Col. Hook speaks in the highest terms of the zeal and energy of Captain Hardy, whom he has just sent with 200 men again into Matelle, where he will co-operate with Major Hext who was to enter that Province in another direction from Harispattoo.

By letters from Ratnapora dated the 17th inst. we hear that the Rebels had been completelyr epulsed in their attack upon Lieut. Irwin at Diavinne on the banks of the Wellaway river.

The inhabitants joined Lieut. Irwin to repel the invaders and women even were seen armed with Sticks chasing the fugitives; this we believe is new in Indian warfare, but it may serve to shew that the people of Saffragam are in earnest in their wishes to keep the Rebels out of their Province.

In Dombera Captain Raper on his way to occupy a position near Atgalle on the 16th surprised a Kandian Piquet of which 2 were killed and 1 taken; shortly after he took prisoner the Aratchy of Wattelagamma: he marched the same night to Udigodda in the hope of surprising the Ammunagamma Nileme: eight Rebels were killed, among whom was the Nileme's brother, but that Chief himself escaped; on the 18th Captain Raper moved his Camp to a hill near Madawelly when some of the inhabitants came to him with a white flag and promised to bring 200 more the next day.

Captain Glenholme was assailed at Godamoona, on the lucky morning of the 17th, by a great crowd of natives, of whom about 1000 were armed, and led on by 20 well dressed Headmen: the attack continued till evening and was repeated the next day until five in the afternoon, when the Kandians were repulsed with considerable loss; Captain Glenholm's only casualty was 1 Grenadier of the 15th N. I. killed.

Captain Kitson has sent into Kandy nearly the whole of the Sick that were collected at Gonagamma from the stations in Wallapany previous to their being evacuated; he expected Major Bayley to join him on the 20th. The Posts in Walapanny had become of late unhealthy and the country around being quite exhausted, it has been thought expedient to move the troops into more healthy positions, where provisions also are more easily obtained; for the same reasons Bintenne, Ahapola, Polwotte and other places in Wellasse had been abandoned, only preserving the line of communication from Batticaloa through Katabowa and Aliput to Badulla and to the Southward; Col. Kelly and Captain Cleather left Ahapola on the 10th on which day their last letters are dated from Hoosanwelle: it does not appears that the Kohukumbera Rateralle had been executed, or that any persons but a few of no great rank had submitted; the Bootawe Rateralle, it is reported, had been seized by the Pretender and Ouva Dessave to prevent his surrendering himself.

The weather in Kandy has lately become much cooler with occasional showers.

This alteration will produce we hope, a favourable effect upon the Sick, among whom a change for the better has already begun to shew itself.

The Governor's health is, we rejoice to hear, much improved, and we trust that in a few days we shall have it in our power to congratulate the public on his Excellency's recovery from his tedions and harassing confinement.

# *Madras Intelligence.*

APPOINTMENTS.

Mr. A. D. Campbell, Acting Superintendent of Police at Madras.

Mr. J. W. Russell, Acting Secretary to the Board of Revenue.

*(Govt. Gazette,—June* 4.

Considerable detachments of Troops for the Royals, 30th and 53th Regiments, on service at this Presidency, have been landed from the *Princess Amelia*, and *London*. They are all fine looking young men.

The Drawing of the Second class of the Madras Lottery commenced on Wednesday last, on which day the following large prizes were drawn.

First Day Wednesday.—No. 6953 a Prize of 2000 Star Pagodas, and Nos. 2120 and 5310, Prizes of 100 Pags. each.

Friday and yesterday the Drawing were continued and the following are the results.

Second Day Friday.—No. 5222 a Prize of 5000 Star Pagodas. Nos. 4644 4104 and 2761, Prizes of 100 Star Pagodas each. Nos. 6315 and 5520, Prizes of 500 Pagodas each.

The Ticket which came up a Prize of 5,000 Pagodas, was unsold, we learn.

Third Day, Monday.—Nos. 693, 1715, 1456, 4731 and 1159 Prizes of 100 Star Pagodas each.

*Fourth Day.*—Wednesday. No. 590 a Prize of 1000 Pagodas, Nos. 2521 and 1642 Prizes of 500 Pagodas each, Nos. 2796 3301 and 3595, Prizes of 100 Pagodas each.

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A great number of letters from England have reached the Post Office during the week by different routes, viz. by St. Helena, Trincomalie and Calcutta; some of them are of a very old date. The *Wanstead* Packet brought the Mails for December, and the *London* those for January. They have been in course of delivery since 2 o'Clock yesterday.

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From St. Helena, we learn the arrival of the *Phæton* Frigate, having on board His Excellency Governor Farquhar and family. Napoleon declined to receive the visits of the Governor.

In our files of Penang Papers, we do not discover any thing worth extracting.

By the arrival of the ship *Edward Strettel*, Captain Balston, from the Eastward we learn that Captain Hodges, of the *Hunter*, had been attacked by a number of Malay Prows. He however captured three of them, and beat off the rest.

The ship *Lady Raffles* had arrived at Bencoolen, with Sir Thomas Raffles, the new Governo. Mr. Raffles had travelled in the interior of Sumatra, and many useful results had arisen from his excursion.

On the 18th and 19th of March several severe shocks of Earthquake had been experienced at Bencoolen.

The price of Coffee was 21 dollars per peeul—Sugar at 9 and 10 per ditto—Pepper at 11 dollars per ditto—Tin at 16 dollars per ditto—and Japan Copper at 30 dollars per ditto.

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We have already announced the Passengers arrived on the *Princess Amelia*.—The following came by the *London*, and *Wanstead*. The latter originally sailed from the Downs on the 30th of December, but was prevented by contrary winds getting down Channel.—She finally put to sea on the 5th February from Portsmouth.

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*Per London*:—Mrs. Casamaijor, and Child,—Detachments of His Majesty's 30th and 53d Regiments, and two Native Servants.

*Per Wanstead*:—Mr. Charles Herd, Free Merchant,—Messrs. A. Marcar, and S. Formis, Cadets Bengal Establishment.

The Ship *Richards*, Captain Maclean, from Liverpool, came in yesterday morning.—Passenger Mr. Chisholm.

The *Lady Campbell* will continue her voyage to-day.—Passengers, The Honorable Mr. and Mrs. Lindsay.

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The H. C. Ship Dunira and *Castle Huntly*, are probably in Bengal by this date, since we find the following notice.

Yesterday (3d February,) the despatches were closed at the East-India House, and delivered to the pursers of the following ships, viz. *Dunira*, Captain M. Hamilton; and *Castle Huntly*, Captain H. A. Drummond, for Bengal and China.

Passengers per Dunira,...For Bengal, Mr. R. C. Glynn, factor; Mr. R. Barlow, writer; Mr. J. Poulet, free mariner; Mr. H. Fendall, Messrs, Pemberton, Reade, Stewart, cadets.

Per Castle Huntly....For Bengal, Messrs, Assistant Surgeons Heynes, Beattie, Ramsay; Captain Lieut Powny; Mr. D. S. Nadier; Messrs. Heming, Hurst, Goodlad, Hamilton, free mariners; Messsrs. Hamilton, Brown, Symons, cadets.

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We scarcely discover an article relating to Spain. The Inquisition appears very busy with Free Masons.

With regard to the Colonies it is with regret we notice that the accounts are not so favorable as we had reason from previous intelligence to expect. We are happy however to state that the capture of the celebrated Patriot Mina, is at least left in doubt and uncertainty, and we are inclined to think and to hope that the story was fabricated in America. Be that as it may, the friends of the Independents in England do not appear to be disheartened. A Gentleman had arrived in London from the Havannah, which place he left on the 7th of December, six days later than the date of the articles stating the capture of Mina with a part of his forces. He says, "that a report had certainly been received of Mina's defeat; but, previous to his leaving

Havannah, positive accounts had arrived from Campeachy contradicting the former rumours, and stating that the Patriotic General was still at the head of a numerous force, and had been successful against the Royalists in several minor actions."

*(Madras Courier,—June 9.*

We understand *His Excellency The* Commander in Chief is expected at Mulwangle near Baitmunglum, about the 20thinstant; and to remain there two or three days.

The following are mentioned in the Asiatic Journal for February, as Ship Letter Mails for India.
For Bombay,—Elizabeth, February 20—Woodford, February 20.

We lament to find, that Major General Aldwell Taylor, who embaked at this place on the Ship *Boyne*, died on the passage home. The *Boyne* reached Gravesend on the 12th of January.

*(Government Gazette,—June 11.*

ARRIVALS AT THE PRESIDENCY,] Capt. J. R. Cleghorn, Engineers,—Capt. C. S. Lynn, 1st Bat. 10th Regt,—Capt. S. Prendergast, H. M. 84th Regt.

DEPARTURES.] Capt. W. Richardson, H. M. 86th Regt. Capt. H. E. Page, Bengal N. I.—Capt. Hitchins, Asst. Adjt. Genl's Dpt.—Surgeon Hans Gordon, Garrison Surgeon Trichinopoly,—Ensign G. L. Backhouse, H. M. 30th Regt,—Lieut. D. Mansfield, 2d 7th Regt.

## *Calcutta Intelligence.*

CURRENT VALUE OF GOVERNMENT SECURITIES.

| Buy. Rs. | Buy. Ans. | — June 3d, 1818.— Six per Cent. Loan Obligation. Disc. | Sell. Rs. | Sell. Ans. |
|---|---|---|---|---|
| 6 | 12 | | 7 | 4 |

The Ex-Rajah of Nagpore had made his escape from the escort under Capt. Browne, and taken the guard of the 22d native Infantry with him. From all that can be learned, it appears that he put on the dress and accoutrements of a sepoy, fell in with the guard when it was relieved, and instead of marching to their tents, they all went out of camp together. The sepoys who have accompanied him are eight in number; he is said to have gone in a South West direction towards one of his own Forts called Hurree, which is said to have a garrison of near four thousand matchlockmen. Two troops are dispatched in pursuit of him, and it is expected that Colonel Waston will soon intercept him.

The Ministers who were taken prisoners when the Rajah was confined, arrived at Jubbulpore on the 13th under charge of Lieutenant Nicolson of the 8th Cavalry.

Cornet Smalpage with a troop was ordered off from Jubbulpore on the 14th at noon, with orders not to halt, except an hour now and then, to refresh his horses, until he reaches the Fort, it is expected the Rajah has fled to the distance stated to be upwards of 70 miles.

We have just learned that the ex-Rajah has got into the Fort.

*[Hurkaru May 30th.*

We understand that the ships Earl Kellie, Triumph, Dorah and Eugenia have been taken up by Government to convey immediate relief to the sufferers from the late calamity at the Isle of France.

Letters from Jubbulpore, dated the 14th instant, announce the evacution of the Fort of Chana-Ghur, and its occupation by the troops under the command of Colonel Macmorine. The Garrison, it is said, made a brave defence; but threatened with the approach of Gen. Waston's force from Jubbulpore, withdrew on the day before its arrival.

We are sorry to publish the intelligence contained in the following extract of a letter from Juonpoor, dated the 24th ultimo.

"The Cholera Morbus rages at Juonpoor, with greater violence than I have yet heard of, the Magistrate has an official report of the names of 36 deaths, on the 21st and 22d, many more must have occurred on this in a population of less than 30,000.—The disease made its appearance suddenly on the 18th and has gone on increasing progressively up to to-day.

### MONEY MARKET.

The distress in the Money Market continue to be very great; and usurious rates of interest are daily demanded and obtained. The late arrivals of specie and bullion, we fear will have but a very partial and temporary effect in removing the evils complained of.

*[Mor. Post.*

A report was prevalent in town yesterday, said to be on the authority of private letters, of the seizure of the Ship William Petrie, Capt. Thos. Ross, by the Honorable Company's Cruizer Nautilus, in consequence, as it would appear, of two Women and a Boy being on board as Slaves.—The Mogul Passengers had been taken out of the William Petrie, to be sent to Bombay, where it was supposed they would be brought to trial, in consequence of their having come on deck, at the time of seizure, armed with Daggers and Cutlasses.—The Petrie was to return from Bushire to Bombay.

Since writing the above we have been favored with the sight of a letter confirmatory of the above; but it has been written in haste, and is couched in such vague terms, that it is impossible to determine by whom the three unfortunate persons had been shipped: we however, think the Moguls were the Shippers.

*[India Gazette June 1st.*

His Excellency the Governor General still remains at Goruckpore; but will probably honour the Presidency with his presence, about the beginning of July.

We are happy to observe, that the Cholera Morbus has ceased to attract so much of public attention, as formerly; and we hope this disorder, lately so general and fatal, will soon disappear in the Provinces, as well as in Calcutta, where it seems to be every day declining.

*[Mirror June 3d.*

### *COMMERCIAL.*

In the foregoing part of our this day's Paper will be found a Government advertisement, which notifies, that "no further subscriptions to the Government Loan, opened on the 4th of April last, will be received at the General Treasury, or at any of the Treasuries of this Presidency, below Benares, after the 10th proximo."

We learn by advices from Mirzapore, that Cotton has, for some days past, been considerably on the rise; and it is the opinion of the most experienced dealers in that commodity, that it is extremely likely to keep its present price, or even to fetch a higher one than it has hitherto done.

*[Calcutta Gazette. June 4.*

We are happy to state that the H. C. ships Thomas Grenville and Carnatic arrived at the Cape on the 8th of April.

*[Times 2d, June*

The escape of APPA SAHIB, the Nagpore RAJAH, might have been a few months ago considered an event of some consequence, as he might then have furnished a rallying point to the discontented Mahrattas, &, while the forts of Mundlah and Chouraghur were still in their possession, would doubtless have prolonged the period of internal warfare. But nearly the whole of his strong posts have fallen into our hands, and the few that remain, are but of little military importance. If it be true, that he has taken refuge in the fort of Hurree, and has not again recourse to flight, he will soon be re-captured. The scheme of bribing one guard and deceiving the other, had probably long been in contemplation, & the facts that have been communicated to us, respecting his escape, shew the extraordinary slyness & cunning of the native character. On the night of the 12th instant, eight Sepoys were on guard, and when the guard was relieved, the RAJAH was dressed in a sepoy's coat and accoutrements, and fell in with the party. After the relief was effected, the Noncommissioned Officer in charge, went into the tent. A long pillow had been placed on a *charpaee*, and two servants were in the act of *shampooing* it, when the Officer entered. One of the servants then went to him and said that the RAJAH was ill and asleep, & had desired not to be disturbed. The Havildar or Naick then retired. It appears that about 300 horse, and 100 foot, were in a ravine close to the camp, waiting the period of his escape, and the RAJAH immediately committed himself into their hands. We have not heard whether the traitorous Sepoys were Hindoos or Mahommudans.

The RAJAH effected his escape at Rahore, between 2 and 3 o'clock on the morning of the 13th of May, within about 60 miles of the Company's Provinces.

The cloudiness of the weather within the last three days in Calcutta, and occasional showers, seem to indicate the rapid approach of the rains.

The quantity of bullion imported into Calcutta, from the 1st to the 31st of May, is according to the Custom House report, Sicca Rupees 48,95,635. 7. 4.

*[Govt. Gaz. 4, June*

## ENGLISH EXTRACTS.

### LONDON,—JAN. 25.

### APPEAL OF MURDER.

The Court of King's Bench yesterday morning, notwithstanding the wetness of the morning, was crowded by half-past nine o'clock. At half-past eight the defendant Abraham Thornton left his apartments in the King's Bench Prison in a hackney coach, and having arrived at Westminster, he was conducted into the Court and was placed at the bar—It is said, that during his confinement he has been in most excellent spirits, and entertains the firmest conviction of his ultimate acquittal. He was dressed in a new black coat, drab-coloured kerseymere breeches, and gaiters, had on a pair of new yellow gloves, and maintains his former appearance of a respectable looking farmer. A portrait painter was in Court for the purpose of taking his likeness, but as soon as he observed him, he immediately turned his back to the gentleman, and placing his hand on that side of his face, remained in such a position as to preclude the possibility of his accomplishing his purpose for upwards of an hour, and did not alter it until the Court commenced its proceedings.

About ten o'clock the appellant Ashford entered the Court.

Mr. Reader.—My Lord, the defendant has a Replication here, which he wishes to verify by affidavit.

The Replication was then read to the effect following:

### REPLICATION.

And the said Abraham Thornton saith, that notwithstanding the matters alleged in the counter-plea, he ought to be permitted to wage battle, because, protesting that he is innocent, and though he is not in any way bound to answer the same, nevertheless in replication he saith, that there were and are strong presumptions that he was not guilty of the felony charged against him. That is to say, at the time when Mary Ashford went to the house of Mary Butler, at Erdington, she went there unaccompanied by the said A. Thornton; and he further saith, that Mary Ashford left the house about a quarter past four in the morning, alone, and proceeded towards Langley, and that a short time after Mary Ashford had so left the house, she was met at a short distance from the same in Bell Lane, leading from Erdlington to Langley, by Joseph Devison, he Abraham Thornton not being any way in sight. And Abraham Thornton further saith that within the space of a quarter of an hour from the time she so left the house, she was seen by one Thomas Broadhurst, crossing a certain turnpike-road at that part of the road where Bell Lane crosses the said turnpike-road, and she proceeded along the said Lane, then being alone. And A. Thornton further saith, that at the several places where Mary Ashford was so seen by Davison and Broadhurt, the road was broad & straight for a considerable distance, and that he must have been seen at a considerable distance, if he had been with her. And the said Abraham Thornton saith, that on the morning of Tuesday, at a quarter after four or not later than five and twenty minutes, he was seen by divers creditable witnesses, a considerable distance from Bell-lane, to wit, by Thomas Jennings, John Holden, jun. and others, all persons with whom Thornton had no previous connection, walking along a lane leading to Castle Bromwich, close to the farm-house of John Holden the elder, which was the way leading to the said Thornton's father's house, where he at that time resided. And that he was walking leisurely, and not in any way in confusion. And when he had continued about a mile from the said farm-house he was stopped and conversed with John Haydon, for a quarter of an hour, after which he continued on towards the house of his father; and that John Woodcock saw him so conversing as aforesaid. And the said Abraham Thornton saith, that he was also seen by James White at about twenty-five minutes after five, when he was still walking leisurely towards his father's house, and he was then about half a mile distant from the house. And he further saith, that the distance from the house of Mary Butler across the harrowed field mentioned is one mile, two furlongs, and thirty yards, and the distance from the workhouse, which is the nearest point of the village of Erdlington, to John Holden's farm-house, is one mile, three furlongs, and sixty-two yards; and the distance from the said pit of water round by Erdlington to the said farm-house, is two miles, four furlongs, &c. and he saith, that the most ready way from the pit of water to the said farm-house, is the following, viz. across a close into a turnpike-road, called the Chester-road, at the part thereof near to the garden wall of one Mr. Hipkis, and also leading to the farm-house of the said John Holden, and the distance of the said way is one mile, seven furlongs, and one hundred and seventy yards. And the said Abraham Thornton further saith, that the distance from the pit of water to the farm-house is one mile, four furlongs, and sixty yards; but he saith that there is no foot-path in that direction, except for a distance of one hundred yards, leading to the Canal Bridge, and that by the intersection of the hedges and fences, by and between the said pit of water and the said Bridge, it would take a longer time to arrive at the said farm-house, than by taking the more circuitous road above pointed out. And the said Abraham Thornton further saith, that the clock at the house of the said Mary Butler, where the said Mary Ashford had been on the morning of the 27th of May, was on that morning without any alteration whatsoever; and the time marked by the said clock on that morning was carefully compared by Willian Wester, Esq. (a witness for the prosecution), with the true time at Birmingham; and also the clock at John Holden's was without any alteration, and was compared with the true time at Birmingham, by William Townley, and the said several times above-mentioned are all connected and reduced to the same measure of time; that is to say, to the true measure of time kept at Birmingham on that day. And the said Abraham Thornton further saith, that on his arrival at his father's house, he changed his hat and coat, and no other part of his apparel, and he had on the same shirt and breeches, and the same stockings, and he wore the same at the time of his apprehension. And the said Abraham Thronton further saith, that when he was examined, he gave an account of the several places at which he had been during the night and the morning; and that there is no fact stated by him that has in any way been contradicted; and all the said facts have since been fully corroborated and confirmed by various witnesses.—The replication thus concluded: "And the said Abraham Thornton in fact saith, that the several facts proved afford stronger and more violent presumption and stronger proof that he is not guilty of the murder whereof he stands appealed, than the said presumption and proofs in the said counterplea set forth that he is guilty. And therefore the said Abraham Thronton prays judgment and that he may be permitted to wage battle with the said William Ashford."

Mr. Clarke.—My Lords, on the part of the appellant, I must beg your Lordships to allow us time to answer this replication.

Lord Ellenborough.—Then let it be until Thursday next.

30TH JANUARY.

IN THE KING'S-BENCH.

Thursday next after 15th days of St. Hilary, in the 58th, &c.

WILLIAM ASHFORD V. ABRAHAM THORNTON.

And the said Wm. Ashford saith, &c. that the said replication of the said Abraham Thornton to the counterplea of him, the said Wm. Ashford, is wholly insufficient in law to allow him, the said Abraham Thornton, to wage his battle with him, the said William Ashford; and that

*(Continued in the Supplement.)*

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# SUPPLEMENT TO THE BOMBAY COURIER.

SATURDAY, JUNE 27, 1818.


(Continued from the last Page.)

he, the said William Ashford, is not bound by the law of the land to answer the same replication: and this he is able and ready to verify whenever the Court shall think fit, &c. And therefore the said William Ashford prays judgment, and that the said Abraham Thornton may not be permitted to wage battle in this behalf with him, the said William Ashford.

WILLIAM ⋈ ASHFORD.

Also the following joinder in demurrer.

"And the said Abraham Thornton saith, that the said replication of him, the said Abraham Thornton, to the said counterplea of him, the said William Ashford, in manner and form above pleaded, with the several matters therein contained, are good and sufficient matters to allow him, the said Abraham Thornton, to wage his battle in this appeal with the said William Ashford; and which replication, and the matters therein contained, the said Abraham Thornton is ready to verify and prove, as the Court may direct. He therefore, prays judgment, and that he may be permitted to wage his battle in this appeal, with him, the said William Ashford.

As soon as this document had been read, all the parties retired. We did not hear any marks of public feeling as the prisoner passed down the hall to the hackney-coach in which he was conveyed to the King's-bench prison.

*Court of King's-Bench, Friday, Feb. 6.*

## WM. ASHFORD V. ABRAHAM THORNTON, IN AN APPEAL OF MURDER.

The argument in the demurrer in this case having been fixed for to-day, and their lordships having ordered that the parties should be present, the appellee was put to the bar, in the usual custody, at a quarter before nine o'clock; the appellor entered the body of the court with his counsel. Shortly before ten, all the avenues being at that time so much crowded that Barristers could not get to their seats without great difficulty, a great number of people were also assembled in the hall. Mr. Clarke Mr. Gurney, Mr. Richardson, and Mr. Chitty appeared as before, for the appellor, and Mr. Reader, Mr. Reynolds, and Mr. Tindal, for the appellee. Their Lordships did not arrive until past ten o'clock.

Lord Ellenborough inquired (after the case had been called on by Mr. Le Blanc,) whether the parties were present: Mr. Clarke replied, that the appellor was on the floor; and Mr. Reader signified, that his client was at the bar. Lord Ellenborough desired that the appellor should take a seat, having risen on the entrance of their lordships; and Mr. Reader, requested, that the appellee might be allowed the same indulgence, which was granted immediately.

Mr. Chitty then rose to commence his argument. He observed, that this was a demurrer to a replication, to a counter-plea pleaded by the appellor, in answer to a wager of battle, of which the appellee had attempted to avail himself. He then stated the various pleadings which we have inserted from time to time, and to which we refer. He contended, that the replication to the counter-plea was insufficient on two grounds: 1st That it is not competent to the appellee, in answer to a counter-plea, to state circumstances affording to a presumption of innocence. 2d. That the circumstances, as stated in the replication, were to answer to the counter-plea. In discussing this important and intricate case, he should confine himself as closely as possible to questions of law; but as it had been intimated on the other side, that an attempt would be made to show that the counter-plea was insufficient, it would be necessary for him to inquire into the law and principles of the writ of appeal and trial by combat: and he should contend, that a person appealed of a supposed murder is not entitled to waye battle, when evidence exists affording a presumption of guilt. No dispute would arise upon the point, whether the right of appeal did or did not exist at common law, and the statute of Gloucester (6th Ed. I. c. 9.) provided that all appeals of death should be sued within a year and a day after the completion of the felony by the death; and it appeared, by all the books, that before the 4s Hen. VII., c. I. the practice prevailed, not to try any person on an indictment of homicide before the expiration of that time; but that statute reciting, that in that law upon that subject; and in support of this statement he read the first section. He admitted that the acquital of the defendant upon an indictment pursuant to that act, and according to the words of the clause, neither barred nor prejudiced an appeal, but left the appellant all his rights existing antecedently at common law. He would now proceed to adduce the authorities on which he relied, to show that where there are circumstances affording a strong presumption of guilt disclosed in a counter-plea, the appellee is not entitled to wage battle. The same authorities would also establish, that he cannot reply other facts merely matters of defence before a jury. He would take but legal authorities in the order of time in which they wrote, and would follow them up by quotations from the best historians, to show how the doctrine of appeal had been received at different times. The first author upon the subject is Glanvil, who wrote in the time of Hen. II., about A. D. 1154: in his work there is not much upon the subject of the trial by battle, and the instances in which the appellee shall be ousted of that trial; but in b. 14. c. 1. (p. 350, Beame's translation) is the following passage:—"If it appears there is probable ground of suspicion, the parties shall not be allowed to try the question by battle, but shall submit to the trial by ordeal;" and it is added, "the accuser in an appeal may decline duel, either on account of his age, or by reason of mayhem, and then the accused must purge himself by the ordeal of hot iron or water." (b. 14. c. 2.) In the same work it is said, that for frauduleut concealment of treasure trove, if strong presumption exist against the defendant, he shall purge himself by ordeal, and not be permitted to wage battle. In p. 357 is this sentence:—"If a person be appealed of homicide, he is sometimes compelled to undergo the legal purgation, if he was taken in the fight by a crowd pursuing him, and this be regularly proved in court by a jury of the country." The next authority is that of Bracton, who wrote in the reign of Hen. III; b. 3. c. 18. is thus entitled: "How the prisoner should be brought into the presence of the justices, and why the justices ought to make examination when they enjoin battle and trial." After stating how the party is to be taken, the following, in fo. 137 a. is laid down: "When a person thus taken is to be brought before the justices, he ought not to be brought up with his hands bound, though sometimes he may be with his legs fettered, for fear of escape; and for this reason, that he may not appear to engage himself to any mode of purgation: if, when brought up he immediately confesses, it is obvious what the judgment will be: but if he deny and defend the imputed crime, and if any person appeals him by lawful words of appeal, and he defends every thing laid to his charge, and takes no exception, &c. he shall have his election whether he will put himself upon his country, or whether he will defend himself by his body, &c.; but if he have chosen a trial by the country, he may not change his mind and recur to his defence by his body, nor the reverse, &c.; but if he originally puts himself on his defence by his body, taking no exception, battle is to be waged between them immediately." After stating the office of the judges, to take care that all properly concur, the same writer (fo. 137 a.) thus proceeds; "And this is true, that an appellee may defend himself by his body on being appealed, unless some violent presumption make against him which does not admit of proof to the contrary, by means of which he can deny or defend the death and felony;" in the words of the original "per quam dedicere vel defendere possit mortem et feloniam;" and adding "as it may be when a man is taken over the dead body with a bloody knife; here it will not be in his power to clear himself of the death; and, indeed this is established of old as a case in which no other proof is necessary," in quo casu non est necesse probare per corpus nec per patriam."

Lord Ellenborough.—That is to say, that if a man be found over a body with a bloody knife in his hand, he is to be immediately condemned and executed without proof, although it may happen that some other individual has compelled him to put himself in that situation.

Mr. Justice Abbot.—If another man wrenches the knife out of the murderer's hand, and the murderer escapes, leaving him over the body that other man is to be hanged without trial instantly.

Mr. Chitty.—Such was the old law; and that it was so is also noticed by Stauntford and other writers, and the reasons why it was altered. The crime was considered self-evident.

Lord Ellenborough.—Then do you infer from Bracton that there is no occasion for any trial, either by battle or the country; that because the man is found with a bloody knife in his hand he is to be executed instanter?

Mr. Chitty.—He is to be construed. I apprehend, according to the subject matter; he is only speaking when there shall be no trial by battle.

Mr. Justice Bayley.—Suppose the appellee taken with the bloody knife with which the murder was committed, and the appellor alledges that in his counter-plea: is it competent for the appellee to deny it?

Mr. Chitty answered in the affimative, and that the trial would be by the country.

Mr. Justice Bayley.—Then Bracton is at variance with himself; for he says, that the felon is not to be tried per corpus nec per patriam, that if an issue be taken, and that issue found against the appellee, no further trial is to be had, either per corpus or per patriam, but that he is to be immediately executed.

Mr Chitty observed, that he was now upon the ancient law merely, and had not yet arrived at the mode in which it was modified subsequently: Bracton continued, "Likewise if a person shall have lain in any house at night, alone with any other, and he shall have been murdered; or that there have been two or more there, and they shall not have raised a hue and cry, nor received a wound from the robbers, who committed the murder, in endeavouring to defend themselves.—"

Lord Ellenborough requested that Mr. Chitty would continue his extract in the language of the original.

Mr. Chitty continued, that in the case put by Bracton, the person should not be permitted to deny the fact, "mortem dedicere non poterit.

Lord Ellenborough.—So that there is no exception for the case of sleep: if a man be asleep in a house while a murder is committed by robbers or others, which is the case predicated by Bracton, that man "mortem dedicere non poterit.

Mr. Justice Abbott read the following continuation of the passage from Bracton: Eodem modo fere dici poterit, ut videtur, si quis in domum suam notum aut ignotum receperit hospitandi causa vel alia hujesmodi, qui sanus et vivus fuit intrare et nunquam postea nisi mortuus, &c. vel alii de familia qui tunc presentes fuerunt pœnam capitalem non evadent nisi forte per patriam, &c.; si Justiciarii perspexerint veritatem per patriam debere nquiri.

Lord Ellenborough.—Was, then, in such a case, summary execution to take place, unless the Justiciarii though that veritatem per patriam debere inquiri? I do not say that what you state Mr. Chitty, may not be quite correct, but such propositions make us withdraw with horror from the contemplation of such a law.

Mr. Chitty.—What he collected from it was, that the justices may refer the offender to his trial by the country, and that such a state of things was sufficient to oust him of his trial by battle: he was too much blackened by suspicion to merit the trial by battle: he was to be executed, under the justiciarii on their discreation thought fit to remit the trial to the country. His next authority was Fleta, who wrote about A. D. 1272, in the reigns of Edw. I. and II.: he said (b. 1. c. 31. p. 47,) "when those that have been taken are brought forth to trial, they should not be brought in armour, but in a manner suitable to their receiving a trial, nor in bonds, &c.; and if they gratuitously confess, the judgment is evident, &c.; but if the words of the appeal be denied, and if there be any cause for a defence, in due manner it shall be in the election of the defendant to put himself upon the country for the trial of his guilt, or to the defend him by his body, unless there be some violent presumption against him which does not admit a proof to the contrary." This was tot verb, the same position as in Bracton.

Lord Ellenborough.—Does Fleta mention any instances of presumptions not admitting of proof to the contrary, because Bracton, in that respect, is a little unlucky?

Mr. Chitty answered, that Fleta merely copied Bracton, giving the same illustrations. He next referred the Court to Briton, c. 22, p, 40, tit. "On Appeals." "Many things (says this writer) may destroy the right of battle in every felony; for if the appellant be mayhem, or within the age of 14, or beyond the age of 70, or ordained within holy orders, or a woman, or if a man, can aid himself by matter of record."

Lord Ellenborough.—Does he state how a man is to aid himself by matter of record?

Mr. Chitty replied in the negative. "Then (added Britton) he shall say, and this I am ready to prove, in every manner that the court shall award;" which imported, as the learned counsel contended, that the appellee will submit himself to that mode of trial the court should think fit to adjudge, and should not have his wager of battle if the appellor can aid himself by matter of record: the wager of battle was only resorted to in the absence of all proof. The next work from which the learned Counsel made a citation was Horne's translation of the Mirror. The following was from p. 158: "And in cases were battle could not be joined, and there was no evidence, the people, in personal actions, used to help themselves by a miracle of God, in this manner: if the defendant were a woman, or of such a condition as she could not join battle, and the plaintiff had no witness to prove his suit, then the defendant might clear her credit by the miracle of God, or allow the proof of the plaintiff; and in the contrary case the proof only belonged to the plaintiff. And there are divers causes to oust the defendant in the appeal of battle; for it is said, that if an infant within age bringeth an appeal, and the deendant showeth that he is within age, the justice have been of opinion that he shall be put to answer the appeal of the appellant, and the defendant hath lost the advantage to wage the battle; and if a party be indicted of the felony or murder, he shall not wage battle."

Mr. Justice Bayley.—Does that mean that the indictment is to oust him of the wager of battle?

Mr. Chitty observed, that it seemed that the finding of the Grand Jury afforded such a presumption of guilt, that, according to this authority, the indicted was deprived of his wager of battle.

Lord Ellenborough (in consequence of a doubt expressed by Mr. Justice Bayley, as to the correctness of the translation of the passage just cited) inquired if Mr. Chitty were provided with the words of the original in Latin, French, or in whatever language they might be.

Mr. Chitty regretted that he was provided only with the translation. His next authority was Staunford's Pleas of the Crown, first published, he believed, in 1567, and of which the best edition was dated in 1574. His quotation was from B. 8, c 13, p 176, tit, "Trial by battle, and counter-plea to battle. Trial by battle is another trial which the defendant on an appeal of felony may elect: that is, to fight with the appellant, by way of trial whether he his guilty of the felony or not; and if the event be so favourable to the Defendant that he vanquish the appellant, he may go quit with respect to the appellant, and bar him of his appeal for ever. And this is an ancient mode of trial in our law, and one much used in times past, as appears by divers precedents in the times of King Edward III. and Henry IV., a mode which is now disused, but which may be brought into practice again at this day, if the defendant pleads, and there be nothing to support the counter-plea of the other party.

Mr Reader corrected Mr. Chitty in his translation: the original words were quel ne si disuse; meaning which is not now disused. Mr. Justice Bayley said, that the proper construction was "a mode which is not so disused but if may be brought into practice at this day."

Lord Ellenborough.—That is, if there be no sufficient counter-plea.

Mr. Chitty proceeded to read the following quotation from c, 15, p. 178: "The reason why a man shall be admitted in case of appeal to try his cause by battle seems to be this, that no evident or probable matter appears against him to prove him guilty of the felony, but only a bare accusation of the plaintiff or plaintiffs, who are not credible witnesses in their own cause; for in that the appellant demands judgment of death against the appellee, it is more reasonable that he should hazard his life with the defendant for trial of the cause, than put himself on the country which may be ignorant of the matter, and that he should leave God, to whom all things are open, to give the verdict in this cause, by awarding victory or defeat to one or the other party according to his pleasure. And hence our books say that if there be any thing which can serve the plaintiff for a presumption or testimony that his cause be true, he shall oust the defendant of this trial of battle: as for instance, if the defendant stood indicted for this felony before the appeal commenced, or was taken with the manner, &c. quoting the words of Bracton, with respect to the taking of the man with the bloody knife in his hand over the body, &c.

Lord Ellenborough.—In those instances they certainly do not appear to have distinguished between strong prima facie evidence and conclusive proof.

Mr. Chitty added, that he now came to the passage in Stauntford which noticed the alteration in the law in this respect; it was on fo. 179b.—"Thus it appears by Bracton and Britton, that in ancient times, any of these presumptions were so vehement that they were a condemnation of the party without other trial; but they are not so at the present day for he shall have trial notwithstanding such presumptions; but not by battle, as appears in tit. Corona, in Fitzherbert, pl. 411, were a man was appealed of the death of his wife, and the Coroner of the evil, with his probi homines, &c: and S. testifies the same, saying, that he took him in the fact (super factum) with a bloody knife. Therefore, it is considered, that he shall not defend himself by battle; and observe, that the manner in an appeal of death is the bloody knife with which he who is taken shall be ousted of his wager of battle; and thus it shall be in an appeal of robbery," &c. The same author then proceeded to speak of the mode of bringing the manner into Court, adding at fo. 180 a, among other things, that it is a good counter-plea to battle, to say that the defendant, after he was taken, broke prison.

Lord Ellenborough.—So that the credit of the witness who swears to taking him with the manner is never tried.

Mr. Justice Bayley.—Is there any case in which a less presumption of guilt than being taken with the manner has been held sufficient to oust the party of his wager of battle?

Mr. Chitty observed, that he should be able to refer the Court to some authorities to that effect: the author just quoted said, that breaking prison was good counter-plea to battle; and he subjoined, "but to this counter-plea the defendant may reply and traverse, &c. if he will, and according to some books, may show a charter of pardon for it, &c. which shall restore him to his right of battle." On fo. 180 b. Stauntford said, "Observe, too, that the defendant cannot make replication to the counter-plea of battle, and demand judgement whether the appellant shall be allowed his counter-plea, on the ground that, in setting forth his count, he concluded that if the defendant would gainsay it, he was ready to make it good by his body; for those are words of form, and not of substance; and, notwithstanding this conclusion, the appellant may make good his plea by the country, or otherwise, as the Court may ordain." It was to be remarked, that this work of Stauntford was written after the stat. of Hen. VII. and it must be taken therefore to have been written with reference to it. Soon after it was published, much discussion seemed to have arisen among antiquaries upon the subject, and the productions of several were collected in Horne's Antiquarian Discourses: they were all written by men of learning, or lawyers, and published in 1601, and among them was especially to be noticed the name of Sir Robert Cotton, Mr. Davies; and two persons, evidently of much research, of the names of Whitcombe and Agar, also contributed. The learned Counsel would not trouble the court with extracts, but the result of all these opinions seemed to be, that whenever there exists legal proof which can be adduced by the appellant, the appellee is ousted of his trial by battle. He now begged to call the attention of their Lordships to Pulton's well-known work De pace Regis et Regni, which was entitled to the highest respect: the author had belonged to Christ's College, Cambridge, and had presented his books to it: his character for learning was there registered, and if proof were wanting of the value of his treatise, it might be found in the fact that it went through four editions between 1609 and 1623. [Mr. Chitty here read a passage from page 105 tit. "Trial by Battle," which our readers will recollect we quoted in a former occasion, when Wm. Ashford delivered in his counter-plea.]

Mr. Justice Abbott observed, that was stated by Pulton was copied nearly verbatim from Stauntford.

Mr. Chitty submitted, that even the assent of a man so learned ought to have great weight with the Court: in p. 186, he said—"If an appellant hath any vehement presumption, or sufficient testimony to prove, that his appeal is true, it will be a good counter-plea, and sufficiently certain to put appellee from his trial by battle, adding the instances already quoted from Bracton. Coke upon Littleton was published, he believed, a few years before Pulton's work, and ought therefore to have been first mentioned in order of time: he read from it a short paggage on page 294, b. and from 2 Inst. 24n, where, with respect to a writ of right, it was said, "this method of trial was instituted upon this reason, that in respect the tenant had lost his evidences, or that the same were burnt or embezzled, or his witnesses were dead the law permitted him to try it by combat between his champion and the champion of the demandant, &c, From Finch, p. 241, whose book was printed soon after Pulton's, the learned Counsel read a passage, stating the distinction between a trial by battle on a writ of right, which might be by champions, and in an appeal which must be in person: in the latter case the appellee was stated to be ousted of his battle if any notorious presumption existed against aim. He concluded this part of his argument by citations from Hawk. P. C, b. 2, c. 45, s. 7, and from Bl. Com. IV. 346.—Having concluded a cursory view of the elementary writers upon the law, he would now cite the opinions of historians and others upon the subject.—First Dutresen

Gloss. p. 187, where it was termed Duellum, "a single combat, by which those doubtful contests were decided which could not be determined by the ordinary trial;" and it was added. "there is no trial by battle, if the matter can be well proved by other means:" further, "if one be appealed of homicide, and the deceased before he died mentioned those who committed the murder, and said that the person so appealed was innocent of the crime, the Court shall not allow trial by battle.

Battle (batalla) does not lie where the matter can be proved by witness or in any other manner.

From Montesquieu, Espr. des Loix, b. 28, c. 25, he quoted the following:—"Quand les gages de bataille avoient ete recu sur une affaire civile de peu d'importance le Seigneur obligeiot les parties a les retirer. Si un fait etoit notoire; par exemple si un homme avoit ete assassine en plein marche, on n'ordonnoit ni la preuve par temoins, ni la preuve par le combat; le juge prononceit sur la publicite." Mr. Chitty also read short passages from Robertson's Cha. v. I. 275; from Reeves's Hist. of the English Law, II. 25; from Henry's Hist. of Gr. Britain, I. 332; and from Barrington on the Statutes, 326; in order to prove, in the opinion of these writers, that the trial of battle was, in the arbitrament of the court, according to the presumptions. He likewise quoted Erskine's Prin. of the Scotch Law, tit. Probation, p. 463, and from Cowel's Interpreter, tit. Sutle dure, or South-door of the church. He was proceeding with a quotation from an anonymous work, entitled Anti-duello, printed in 1632, when he was stopped by the Court, as it did not appear to be the opinion of any historian as to the construction of the law; Mr. Chitty said that he offered it only by way of observation, and as an eloquent invective against the immorality and impolicy of the trial by battle. In this view he was allowed to continue and to conclude it. He then referred to a declaration by the Peers, in 1689, inserted in Hargrave's State Trials, xi. 278, and with this citation concluded this second branch of his argument. He next proposed to bring forward from the Year Books and other authorities some decisions applicable to this particular case: first, in Hilary Term, 6. Hen. III. quoted in Fitzh. Abr. tit. Cournone, pl. 411.

In reference to this last authority, Lord Ellenborough put it to Mr. Chitty, what part of the counterplea he could point out as affording such pregnant evidence of the guilt of the appellee in this case as within the case would oust the papellee of his right of battle.

Mr. Chitty replied, that he meant only to cite these cases from the Year Books for the general rule, and not so much for its particular application. He next referred to the Year Books, 20 Edw. I., p. 6; to Bro. Abr. tit. Battaille, p. 4. and 5; to Hargr. St. Tr. I. II., and II. 233; and to Young v. Slaughterford; Hargr. St. Tr. IX., 541 and 11 Mod 217 and 228, This last case resembled the present in several circumstances, and, according to the report, Lord Holt, who tried the prisoner at the assizes, for the murder of Jane Young, directed an appeal, and in the course of the proceeding had called in "a noble prosecution, and a true badge of English liberty," referring, at same time, to the State of Gloucester. After noticing the form of a counterplea in Trem. P. C. p. 32. he quitted this part of his subject and entered upon an examination of the counterplea of the appellant in this case, in order to show that is disclosed circumstances establishing a presumption of guilt strong enough to warrant the Court in disallowing the wager of battle. He was describing the body of Mary Ashford as having been thrown into the pit of water, when he was interrupted by

Mr. Justice Bayley, who said, that nothing was stated to prove that she had been thrown into the pit—suppose that appeared she might have thrown herself into the water.

Mr. Chitty contended that the circumstances strongly induced the inference that she was thrown into the pit: the bleeding body appeared to have been carried in the arms of some persons along the path, and the blood had trickled upon some clover by the side of that path; the dew had not been brushed away by any thing but the blood.

Mr. Justice Bayley, seemed to think, that the allegation respecting the dew not having been brushed away was not laid with sufficient particularity.

Mr. Chitty cited 1 Leach. C. L. 405, in order to prove, that in a counter-plea the same precision and technicality were not required as in an indictment. He then detailed other prominent circumstances stated in the counter-plea, mentioning particularly the foot-mark near the edge of the pit.

Mr. Justice Bayley—The impression of the foot at the side of the pit is not in the counter-plea, said to be a recent impression; only that it was of a man's left foot, on that it at all corresponded with the left not foot of Thornton.

Mr. Chitty observed, that it was asserted in the counter-plea that Thornton wore shoes fitted to his right and left foot.

Mr. Justice Abbott—But you do not add that it was compared, or that, from circumstances, comparison was impossible.

Mr. Chitty replied, that the appellant could only state that which he was in a condition to verify: the counter-plea was accompanied by an affidavit, and if it contained any thing untrue, the appellant was no doubt liable to be prosecuted for perjury, He submitted, that all the circumstances offered a strong presumption of guilt, and it was not necessary to state authorities as to what are causes of suspicion; he merely referred to Dalt. Just. c. 166. and to Ph. l. Evid. 129. The coarre declaration of the appellee, and his subsequent admission, that he had had an illicit intercourse with Mary Ashford, were strong indications of guilt. If it were proved on the other side that the authorities in the books in which trial by battle had been refused were merely cases of taking with the manner, he answered, that he only put them as instances, for the general rule was, that whenever there is strong evidence of presumption of guilt, the question must be tried by a jury. The Counsel for the appellant were not bound to make out a case of demonstration, but of probability. It now became his duty to show, that the replication of the appellee is insufficient: no case could be found where an appellee had been allowed to reply fresh facts by way of counter presumption of innocence; the replication admitted all the presumptions of guilt contained in the counter-plea, insisting: however, that the presumptions of innocence were the stronger; and the whole, in fact, rested upon an alibi; by that the appellee was to be discharged from all suspicion. It had, however, been settled, that an alibi, at most, could only be brought forward as a matter of defence: the counter-plea afforded a prima facie case of suspicion, and if so the truth must necessarily be tried by a jury.

Lord Ellenborough,—Do you contend that establishing a case of suspicion is sufficient to oust battle? if so, you retire from the high ground you took in the commencement—that the presumption must be strong as to preclude all proof to the contrary.

Mr. Chitty said, that the instances from Bracton were those where immediate execution followed on the bare fact: he submitted that strong pregrant suspicion or presumption of guilt were sufficient. The appellee had set forth his acquittal; but state, 3 Hen. VII. c. 1. provided, that the rights of the appellant should notwithstanding, be preserved entire, for the prosecution by the King was res inter alios acta. There might be many reasons for the exception of the rights of the appellant; the prosecution might be premature, or the prisoner might be acquitted by connivance, and in such a case the appeals was most important. With regard to this part of the case, he quoted Castle v. Bainbridge (2 Str. 853) Rex. v. Chetwynde (2 Str. 1204): Wilson v. Kennedy (1 Wils. 132); Bull. N. P. 245; Phil. Rvid. 260, in order to show that an acquital was not in many cases a proof of innocence. Admitting, however, for argument, that the appellee was at liberty to reply fresh facts, still he insisted that those facts did not at all satisfactorily establish his alibi: in the first place, when he mentioned particular times, it was generally accompanied by the word about.

The Court observed, that the appellant had done the same; but Mr. Cuitty answered that to the appellee, precision, even as to minutes, was of the utmost importance for his alibi; and it was singular, that from beginning to end there was no positive averment that he was not there at the time of the murder, and could not have been there; all was left to inference merely. The appellee had not ventured to aver that the illicit intercourse took place before Mary Ashford went to Mary Butler's.

Mr. Justice Bayley.—He is only to aver what he can prove, and how is he to prove that at which only two persons are present, one of whom is dead, and the other himself, not being a competent witness? The appellee put it as a presumption that the intercourse must have taken place before Mary Ashford went to Mrs. Butler's.

Mr. Justice Abbot.—Your point is, that the intercourse took place after she went to Mary Butler's, and yet you do not aver it any more than he does the contrary.

Mr. Justice Bayley.—Nor do you aver that the defendant was the person that had the illicit intercourse with her, only that some person had it; Mary Ashford leaves Mary Butler's at about a quarter past 4; and within a quarter of an hour afterwards she is seen, first by one and then by another, near Bell-lane.

Mr. Chitty.—And that would allow him 15 minutes. Mr. Justice Bayley.—Then he has to go from Bell-lane across the harrowed field, and there pursue her, and carry her to a place where the criminal intercourse took place: then to convey her to the pit, to throw her in, and then to run on close to John Holden's which, according, to the nearest way, is a mile and a half, and according to the readiest Way, a mile and 7 furlongs, within less than half an hour: at this time, too, it is open day, & many people will be about to see him. The great doubt I have had is, whether the footsteps near the pit were made before 4 o'clock or after: the probability seems to be, they should have walked together towards the pit; but whether it was before 4 or after is the question.

Mr. Chitty repeated, that there was no positive averment by the appellee that he was not there, and, for aught that appeared, he might have had a horse. It was laid down in all books, that evidence of an alibi was to be received with extreme caution; and there was nothing to show what had become of Thornton between half past five and seven o'clock, at which last hour the body was found recently dead.

Mr. Justice Bayley.—She is seen near the pit at halfpast 4, and he is seen at 10 minutes before 5 going in a contrary direction.

Mr. Chitty urged that their lordships were not now trying the cause whether the defendant were or were not really guilty, but merely ascertaining whether there was sufficient presumption against him to defeat the trial by battle: whether enough was not stated in the counter plea to induce their lordships to resort to the original constitutional mode of trial, instead of following a practice which all must deplore had ever been pursued. If the appellee were innocent, he would go down to his trial in the country with all the advantages of his innocence: if an alibi existed, he might prove it, and no doubt all prejudice, if it existed any where, would be banished from a Court of justice; the probability seemed rather to be, that a jury on their oaths in a case of life and death, would be disposed to think favourably of an individual placed in the situation of the appellee. On all these grounds he submitted that the replication to the counter plea was insufficient, and that the appellee ought not to be permitted to wage battle with the appellant, but must submit to the constitutional trial by the country.

Lord Ellenborough and the other judges consulted for some minutes, after which his Lordship said, the Court think it may be expedient that this argument should proceed to-morrow: we will then hear Mr. Tendal on the other side.

Mr. Clarke asked if it would be the first case called on; and Lord Ellenborough answered in the affirmative.

The defendant then retired from the bar, and was followed through the hall by a considerable crowd, who, by hisses and groans, expressed their feelings on the occasion.

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## THE TIMES—JANUARY 20, 1818.

### SUSPENSION OF THE HABEAS CORPUS ACT.

*Statement of the interview between Sir N. Conant and the Messers. Evanses, at Whitehall, on the occasion of their proffered Release.*

On Thursday, the 1st inst. the above mentioned persons, without any prior notice, were taken to Sir N. Conant's office Whitehall, in custody of Mr. Walter, the gaoler, & a turnkey. After waiting a short time, Sir Nathaniel entered, and stepping towards Mr. Evans, sen. addressed him in a low tone:—"Mr. Evans I am happy to see you; I have got an order for your discharge, on entering into recognizances in the sum of 100l. to appear in the Court of King's-Bench on the first day of next term, and from day to day, to answer such matters and charges as may then and there be preferred against you-"

Mr. E. sen.—For what? I do not know what I may have to answer for in future: I wish to be informed whether any matter or charges can be exhibited against me now? if there be not, I shall walk home.

Sir N.—I cannot say any thing to that; I have nothing to do with that.

Mr. E. sen.—Did you not commit me to prison on suspicion of high treason, on the alleged oath of some person? Now, if you will inform me who that person was that so made oath, and what the act of treason was that he swore to, that I may bring him to justice, I will give you ample security directly.

Sir N.—I cannot answer interrogatories. I shall be responsible for that; but have nothing to do with that now.

Mr. E. sen.—Sir, you committed me to prison; surely you can say who this person was.

Sir N.—I cannot be interrogated. I can't tell you any thing about it; indeed, I will not.

Mr. E.—Then I will give you no bail.

Sir N. (turning from the father) asked, where is young Mr. Evans? and walking towards him,—Are you willing to enter into these recognizances?

Mr. E. jun.—Sir Nathaniel, I have been committed by warrants under your hand for high treason. It is stated in my commitments, that I have been so charged before you on oath; now, previously to my entering into any engagements, I am determined to know from you, who the person was that has thus falsely accused me? You are—

Sir N. (interrupting) I have nothing to do with that at present; you are not in confinement now under any commitment of mine.

Mr. E. jun.—No; but I was originally committed by you, and if it had not—

Sir N.—I cannot—

Mr. E. jun.—Permit me to proceed——

Sir N.—No; I will not permit you to——

Mr. E. jun.—Sir, I insist upon——

Sir N.—It has nothing to do with my present commission.

Mr. E. jun.—It has every thing to do with my present situation. I am now said to be committed on oath.

Sir N. (I can't her you.) If you are willing to enter into these recongnizances, (turning towards both the Messrs. Evanses) I am prepared to give you your liberty.

Mr. E. sen.—I shall give no security when I am charged with no offence.

Sir N.—Then you must be sent back to prison.

Mr. E. sen.—I do not care where you sen me.

During the conversation with Mr. Evans, jun. a man employed in the patrole, named Day, entered the office through the same door as Sir N. Conant. Mr. E. jun. was going to add some further remarks on the extreme oppression he had endured, when Sir Nathaniel again said, that he would hear nothing which had not immediate relation to recognizance.

Mr. E. sen. then replied—I have been forcibly dragged from my peaceable home without being even accused of any crime: there is no living being can charge me with any breach of the law, or with immoral conduct of any description; yet I have been sentenced to almost a year's solitary imprisonment, and it was you forged the commitment to send me to gaol.

Sir N.—I can't bear all this—(sitting down to his desk in apparent agitation, and writing something.) He then beckoned that Mr. Evans, jun. should be taken out of the office; and read what he had written aloud:—You say I forged a commitment to send you to gaol?

Mr. E. sen.—(With strong indignation.) Yes; you did: for you knew the examination on oath was false!

Sir N.—Take him away.

Mr. Evans, sen. then left. the office; but before he could join his son in the hall, Day, the police officer, came out to the foot of the staircase calling "young Mr. Evans is wanted."

Mr. E. jun.—Well; who wants young Mr. Evans?

Day—Sir Nathanial wants to speak with you.

Mr. E. jun. having returned into the office, Sir N. asked him, whether he was willing to comply with terms of his proffered release?

Mr. E. jun.—I have been since the 9th of February lost must unjustly imprisoned, on a pretended suspicion of high treason; you yourself committed me, first to Tothill-fields Bridewell, and next to Cold bath-fields, and on both your commitments you positively avaerred that I was charged on oath. I do not accuse you of writing an untruth, because as yet I cannot ascertain that some perjurer may not have done as you have asserted.

Sir Nathanial here rose from his seat at the desk, and walked towards the fire-place.

Mr. E. jun. continued—By the warrants of Lord Sidmouth and yourself I was seized, and have—

Sir N.—You are quite mistaken. I issued no warrant for your arrest.

Mr. E. jun.—Let me proceed, I believe you are not implicated in my arrest. Lord Sidmouth enjoys the undivided glory of that exploit; but after we were arrested, it was by means of your commitments that my father and myself were held until the passing of the suspension bill. Lord Sidmouth was then enabled to take advantage of your services. I am entitled to trace all sufferings to you. Had you not agreed to countenance his Lordship's proceedings by averring in your commitments that I was charged on oath, I should have enjoyed my liberty, at least till the legislature had annihilated the personal safety of the whole people. Nay, I am of opinion we could not, with any decorum, have been seized at all, had it not been through the paltry contrivance of arresting us with the leaders of the alleged Spa-fields plot. As it is, we have been oppressed by a flagitious conspiracy without precedent. I demand that you inform me who appeared before you and charged me on oath with high treason. If I have not that information, I will never compromise my innocence by entering into any acknowledgments which can be construed in any manner to my dishonour.

Sir Nathaniel here intimated that he was responsible for whatever he might have done.

Mr. E. jun. resumed.—I am yet young; but I have resolved never to wear the badge of ignominy. I have been nearly a twelve month secretly imprisoned through your instrumentality. You have deliberately and repeatedly put your hand to an assertion that some person has made oath before you to an extent which involves me in the charge of high treason. You know best whether your assertion is true: I will not suspect you of falsehood, unless you attempt to screen this supposed person from the penalties of the law. I have made every effort consistent with my sense of political duty to obtain my deliverance from unmerited incarceration. Every avenue to liberty was stopped. I have been calumniated in all modes, and in all places,—by the meanest hirelings of the most exalted suborners, by some who shall be rendered amenable to the law,—by others in the senate **** Having endured all these wrongs, I am not of a temper that would teach me to sacrifice my reputation for the sake of an enlargement under such conditions as are now insolently offered. I insist upon being brought to trial for the offence imputed to me, or being liberated honourably and without stain of suspicion. I cannot comprehend why I should enjoy my liberty more conditionally than any other Englishman. I will not submit to such degradation.

Sir Nathaniel, who had listened with evident displeasure, now stated that his commission did not extend to any consideration beyond the present offer, and that he would not treat on any other object.

Mr. E. jun.—The subject, Sir, is my present situation. I am now in custody on suspicion of high treason, and I will not stoop to accept of any conditional enlargment without a renunciation of that groundless suspicion. You, Sir Nathanial, have again and again put your hand and seal to a solemn legal declaration, that some person has appeared before you and accused me of high treason. Bring that person forth, or I must conclude that you.—

Day, the officer, at this juncture, rudely interposed between Sir Nathaniel Conant and Mr. Evans, jun., lifting up his arm and exclaiming, "I will not allow you to go on. I have just heard your father grossly insult Sir Nathaniel, and I will not allow his son to do the same" Mr. E. jun. somewhat surprised at the interposition of this underling, bade him lower his arm and stand off, adding, that his interference only tended to place Sir Nathaniel in the unpleasant situation of admitting that his actions would not bear his recital without conveying reproach. Mr. E. jun. was proceeding with Sir Nathaniel, when Mr. Evans re-entered the office attended by the turnkey. Sir Nathaniel immediately exclaimed, "Take him away!" Mr. Evans echoed, "Who'll take him away?" Mr. E. jun. advised his father to depart from such a scene, and they quitted the office in the custody of Mr. Walter. Mr. E. on passing the staircase, animated by the natural warmth of disposition, vehemently arraigned the proceedings of the day as a wanton and designed insult, superadded to the cowardly and hypocritical falsehoods fabricated against his character.

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## COURT OF KING'S BENCH,

### FRIDAY, JAN. 23, 1818.

POLITICAL PROCEEDINGS & RECOGNIZANCES

After the Court had gone though the Bar, a young man of decent appearance presented himself on the floor, and expressed a wish to address their Lordships.

Lord Ellenborough enquited his name and the object of his address—to which he replied—

My lord, my name is John Roberts, I have been confined in Lancashire Goal for some time under the Habeas Corpus Suspension Act, and have recently been discharged upon my own recognizance of 100*l.*, by which recognizance I am bound to attend in the Court of King's Bench on the first day of the present Term, and from day to day during the Term, to answer such matters and things as may be alleged against me on the part of his Majesty, then this recognizance to be void, otherwise to continue in full force; I appear here accordingly, and wish to know what your Lordship has to say against me?

Lord Ellenborough—I have nothing to say to you; it is you are to say and me to hear.

Roberts—I hope your Lordship will tell me what to do?

Lord Ellenborough—No, you must tell me what you want; I am a judge, and not Counsel.

Roberts—My Lord, my recognizance is to appear.

Lord Ellenborough—Well, and you have appeared and discharged your duty; you have done all you have to do. Call the peremptory.

Another man then presented himself, and said, my Lord, my name is Gill, I also have been confined under the Suspension Act, and liberated on a recognizance, calling on me, under forfeiture of 100*l.* to appear in this Court on the first day of Term, and from day to day during the said Term, and not to depart the Court without leave; he wished to know what he was to do?

The Court answered him in the same terms as the last applicant, and again directed the Clerk to proceed with the Peremptory Paper. This however, was prevented by another person stepping forward and addressing their Lordships.

My Lord,—My name is Johnson; I came from Exeter Gaol; I am also discharged under a recognizance to appear in this Court from day to day during the Term. I have accordingly appeared, and wish to learn from your Lordship whether I must continue to present myself here daily during the Term.

Lord Ellenborough—You need not appear here any more till you are called on to do so.

Mr. Johnson—My Lord, this will not satisfy me; my recognizance says I must attend from day to-day.

Lord Ellenborough—Do you wish to have this recognizance discharged? If you do, you must make an affidavit.

Mr. Johnson—Will your Lordship say, if I make such affidavit I shall be discharged.

Lord Ellenborough—I will say nothing t[illegible] I know what appears on your affidavit.

Francis Ward then stopped forward—My Lord, I have to apply under similar circumstances—I have an affidavit.

Lord Ellenborough—We have already given an answer to you individually and collectively. Go on with the peremptory.

John Knight—My Lord, I live at Manchester, and was liberated from Worcester Goal on the 1st of January, 1818, on a recognizance, calling on me to attend here from day to day. I have now attended, and wish to be dismissed if possible.

Ellenborough—You may go, now you appeared, and have nothing more to do have notice.

Knight—But, my Lord, that does not me. I may be called on to attend again instant I get back to Manchester. I out of town to-morrow, and be called day after. I am not satisfied. This her suit my finances nor my business.

Ellenborough—We can say nothing fur- you.—The Court cannot assist you.

Drummond—My Lords, I come from ter under similar circumstances. I w appeared—am I, in consequence, to this recognizance as null and void? If I shall now depart, and trouble you further questions.

Ellenborough—We are not now called e an opinion. When something is done se recognizances, then we will give an We have noticed your appearance should you in future be called on, we e that circumstance into consideration. now at liberty to leave the Court. The s repeatedly told you, that you need d again, without notice. We can do more for you.

rd again presented himself.—My Lord, affidavit, and wish to make a motion. have this recognizance discharged, or tely be brought to trial. I have no living in town, nor have I money to way back to my home. I borrowed mo- me to town.

Ellenborough—We have alrerdy an- ou. We cannot waste the public time. with peremhtory Paper.

eremptory Paper was then called over, Lordships rose to leave the Court. of the persons who had previously ad- the court pressed forward, but Lord ough, Mr. Justice Abbott, and Mr. olroyd, left the court.

ustice Bayley being the last of their s,

rd again addressed his Lordship—My re's my affidavit; am I to understand n discharged from further attendance; ustice Bayley read the affidavit, and done so, observed—I have read your and think the wisest thing you can go home again.

—Do I now understand that my affi- s received? If it is, I move that my ance be discharged, or that I be brought tely to trial.

ustice Bayley—I have before told you t cannot do this for you. If you ask advice, I again say, you had better go out your business.

ohnson again presented himself, and y would all attend again, when they ome better prepared.

## COURIER 3d FEB. 1818.

### RT OF KING'S BENCH—JAN. 31.

DISCHARGE OF ALL RECOGNIZANCES.

Attorney General now rose, and said it intention to move to discharge all recog- s returned to the Court of persons who n apprehended under the operation of the Corpus Suspension Act. He had a list names before him. He was anxious s subject not to be misunderstood. He o discharge those recognizances, be- ase he did not think it necessary to keep them in force any longer. He should have done it earlier, but it had been suggested to him that some persons wished to state objections to their recognizances in point of law, and he did not think it right to prevent those persons from having the benefit of their legal objections. He should now move to discharge the recognizances of Joseph Mitchell, whose case had just been argued, George Bradbury, James Rohan, Geo. Robinson, Richard Thickeroft, Jas. Leach, Wm. Cliff, Fras. Ward, Wm. Ogden, R. Pilkington, J. Holmes, J. Haley, B. Bickerstaff, N. Hunter, J. Lancaster; also the recognizances of Walstock, Baguley, Lee, Whitley, Hartly, Small, Benjamin Holme, and John Johnston. Several other prisoners were included in the motion, whose names we could not distinctly hear.—The Court discharged the recognizances entered into by all of them.

## PARIS PAPER 26TH JANUARY.

### CHAMBER OF DEPUTIES SITTING of the 26.

The discussion on the law for recruiting was resumed.

M. Allent, Under Secretary of State in the War Deparment, ascended the tribune. After having established the necessity of the law, he proceeded to demonstrate the danger of adjourning, and to refute the arguments of the adversaries of the project. I do not believe, he observed, that they who talk of the masses which would present themselves in the moment of danger, have much confidence in their own opinions. Without recurring to antiquated instances, I shall invoke only the testimony of the honourable member who, during the invasion of the Scheldt, presided over the department of that name. He will tell you, that they were forced to send back the levy en masse, for fear of famishing our armies, and encountering a different danger from their co-operation.

Immediately after this speech, the voices of many members were heard, calling for the close of the discussion. Others, on the left, "Are the inscriptions exhausted?" Others on the left, right, and centre. "Finish, finish! the Reporter!" Speak! silence! Others, "There are many names inscribed who have not yet spoken."

M. Voyer d'Argenson (in his place.)—I demand permission to speak. (Cries of No, no; finish, finish.)

The President (ringing his bell.)—M. Voyer d'Argenson has the right of speaking.

M. Voyer d'Argenson—M. the Commissary of the King has alluded to what passed at Antwerp at the time of the invasion. I was then in that country, and I entreat the Chamber to hear me upon the subject *(Mingled cries of speak, speak; No, no; finish, finish.)*

M. Voyer d'Argenson, in the midst of this confusion, attempted to address the assembly. He could not be heard.

The President—The question for closing the discussion is supported. I shall put it to the vote, (Cries of yes, yes.)

The President—They who are of opinion that the discussion should be closed, will be pleased to stand up. (All the members on the right, in the centre, and many on the left, stood up.) They who are of a contrary opinion will stand up, (About 20 members on the left stood up.)

The President—The discussion is closed. The Reporter has liberty to reply.

The Count d'Ambrugeac recapitulated, and replied to the various objections that had been brought forward.

The President—The Minister at War desires to address the Chamber.

The Minister at War—Gentlemen, the project of the law which we have had the honour of presenting to you has met with numerous objections, the greater part of which have been completely refuted. To form an active French army; to form a French army of reserve; to secure, for the present and in future, the good composition of those armies in officers, subalterns, and soldiers: to protect our institutions and our territory from all danger—such are the objects of the law. Voluntary enrolments, the ancient militia, have been recommended. The compulsory service introduced by the law is, it is said, nothing more than the conscription. Let us examine the words of the charter:—"The conscription is abolished; the mode of recruiting the army, by sea and land, shall be determined by a law." What is the conscription? A particular form of recruiting. It was that particular form, then, that the charter abolished, and not all recruiting, without which there could be no army. If the charter intended to abolish the principle of compulsory service, it would not have said the "mode of recruiting shall be determined by a law," for a law is not necessary to receive voluntary enlistments; it would have said, "the army shall be recruited by voluntary enrolment," He contended, that at no period had the volunteer system been found sufficient. *Ascending to the early ages of the* French Monarchy, and tracing the progress of the military system in France, his Excellency observed, that feudality rested upon the principle of compulsory service, and that afterwards it was found necessary to recur to militias, Now, what was the militia? The conscription, which touched only certain classes; the conscription, he added, elevating his voice, without its equality. (Cries of bravo from the left and centre.) To demand the militia, therefore, was to demand the conscription, with all its privileges, with all its abuses.

His Excellency then adverted to the military peace establishments of former periods, and showed, that it was always found impracticable to keep them up, by voluntary service. But, added his Excellency, we are now in peculiar circumstances. France contains a great number of old soldiers. Is it then so difficult to collect from the wrecks of our armies, the means of completing our feeble corps? Ah, Gentlemen! if, after the disbanding of those armies, it had been permitted to recur to the zeal of our old soldiers, to open to them, again, the same ranks, doubtless they would have resumed with joy the arms they had wielded with so much glory: they have been recalled since, and already a great number have assembled under the banners of the King; but from the limitations of the budget, it has been necessary, for 18, months, to suspend the enrolments.

The Minister next adverted to the army of reserve, which, he said, would be composed of veteran soldiers. And let not liberty be startled at the idea of this force: it cannot be put in activity except upon extraordinary occasions, and by virtue of a law. But I must dissipate fears of another kind, which have been expressed with a sort of embarrassment. Notwithstanding the pains taken to disguise these fears, it is easy to perceive the object which excites them; it is not the system itself, but the men whom it may call into action. Gentlemen, frankness is necessary here, for the question is entirely national. It is to be ascertained, whether there exist in France two armies, two nations, one of which shall be branded with an anathema, and declared incapable of serving their King and country, by our proclaiming, as dangerous to France, those who have won for her so much glory. Such a sentence would be no less cruel than unjust. Never, no never, did they cease to believe that they were fighting for their country. Must it then happen that in their adversity, their country shall cease to be proud of those brave men whom all Europe admires? —(Cries of bravo, bravo!)

After a few more observations the Minister retired from the tribune.

The President.—The sitting is adjourned till tomorrow, for the recapitulation of the President and the deliberation upon the articles.—Adjourned.

## LONDON 6TH FEB.

*Genoa, January* 15.—The Vice Consul of Sardinia, at Algiers, has arrived here, who relates the following facts:—A Sardinian brig had been captured and carried into Algiers, under the pretence that her papers were not regular. The Vice-Consul protested against the capture, and proceeded to the palace of the Dey with his colleagues, the other Consuls. The Dey, received them sword in hand, surrounded by his guards. The English Consul presented himself at the same time, to complain of acts of violence which had been committed upon his son and his two nieces—They had been stopped in the street; the young man had been thrown into a dungeon, and the two ladies had been conveyed to the seraglio of the Dey, where Turkish dresses had been given to them. The Dey, in a fury, ordered his Captain of the guard to bring in the young Englishman, whose head was cut of in the presence of his father. The bleeding head was exposed at the gate of the Palace, and the English Consul withdrew trembling. The Sardinian Vice Consul received no other answer to his representation, than an order immediately to quit Algiers, and they took from him his daughter by force. We have some difficulty in giving credit to this horrible statement.

## FASHIONS FOR FEBRUARY.

*Evening Dress.*—A frock composed of British net, and worn over a white satin slip; the body, which is somewhat in the Spanish style, is called the *Corsage à l' Infante;* it is composed of an intermixture of white satin and British net, and ornamented with pearls. A row of points, composed of satin and net, finishes the waist, which is very short. The sleeve, which is very short, is slashed, the slashes are filled with net, and edged with pearl, and the bottom of the sleeve, as well as the bust, is ornamented by a full quilling of blond. The skirt is moderately long, and more than usually full.

*Walking Dress.*—A fawn-coloured poplin round dress; the body of a three-quarter height; it is cut byas, and has no seam, except under the arm. The back is narrower than last month; the fronts just meet, but do not cross; the sleeve is long, rather loose, and confined across the wrist by a satin piping disposed in waves; they are about two inches in length, and are finished by a small silk tuft at the end of each wave,—*Ackermann's Repository,*

*Parisian Walking Dress*—Round dress of cambric, trimmed round the berder with a flounce of broad lace, under pelisse of fawn-coloured merino cloth, fastened down the front with polished steel buttons, and Brandenbourgs of black silk, with tassels, Triple Carrack cape, edged with brocaded ribband the colour of the pelisse: ruff of fine clear muslin, elegantly scalloped, Grass-green bonnet of shag silk, with a plume of white and green feathers; the bonnet lined with white, and turned up in front, Tea-coloured slippers and gloves, with pearl-coloured silk stockings,

*Evening Dress*—Hessian robe of white satin, with demitrain, ornamented round the border with an elegant trimming of rose-coloured satin flowers, the sides of the robe finished in a similar manner, and fastened down the front with rose-coloured *Brandenbourgs,* finished by rich tassels. Sleeves very short, Toque of white satin, with a full plume of white ostrich feathers, Necklace of Oriental pearl, fastened in front by a superb knot of the same, with tassels. Armlets of black velvet, clasped with pearl medallions, White satin shoes, and white kid gloves, At evening visits a Cachemere shawl is the thrown over this dress.

The favourite colours are Hessian green, Venetian blue, and fawn-colour,—*La Belle Assemblee,*

## DUTCH MAIL.

### FRANKFORT, JAN. 29:

Under this date is an article from Genoa, dated the 19th of January, containing an account of the arrival of the Sardinian Vice-Consul from Algiers, as already published in the French papers, and from them translated into the English. The commencement is exactly the same, but the conclusion is as follows:—"The Dey received them surrounded by his guard, and with his sabre in his hand; but he fell into such a rage, that he threatened the English Consul to have his son's head cut off, and to have it fixed up at the door of the Hall of Audience, if they troubled him any further. At the request of the terrified father, all the Consuls desisted for the moment. The next day the Sardinian Vice Consul was ordered to leave Algiers."

It is added—"If the half of this is true, it is sufficient to excite the indignation of all Europe against these barbarians." The opinion is that confirmation of these circumstances must be waited for.

This account, therefore, differs from the other is not mentioning the seizure of the Vice Consul's daughter, nor the clothing the British Consul's nieces in a Turkish dress; but it states that they were seized in the streets, and put it in the haram.

### 6TH FEBRUARY.

Bank Stock, 291 291½
3 per Ct. Red. 81 80⅝ ⅞ ⅝ ¾
3 per C. Cos. 89¼ 79⅞ 80½ 80 79⅞ 80
4 per Cent. 99 98⅝ ⅞ ⅝ ¾
5 p. C. Navy, 105½ 5 4⅞ 5
Long Ann. 20 13-16th ¾ ⅞
Imp. 3 per Cent 79⅛
India Bonds 109 107 pr.
Exchq. Bills { 2d 20 18 19 pr; 2½d. 21 27 pr.

## TIMES 23D JAN. 18.8.

### THE ARMY.

It is now reported that Sir Charles Colville will be the new Governor of Halifax; and Sir Lowry Cole for Ceylon. It is a fact not generally known, that the Earl of Hopeton (Lord Niddrey), is the only one of the last created peers who declines receiving any pension. It was as first said that Lord Combermere had declined, which was a mistake; he receives the 2,000l. per annum—Evening paper.

FEBRUARY 7th.

Yesterday a Court of Directors was held at the East India house when Captain T. F. Balderston was sworn in to the command of the ship Asia, consigned to Bengal and Madras.

Sir James Mackintosh, M. P. late Recorder of Bombay, has been appointed Professor of Law in the East India College, Herts, on the resignation of E. Christian, Esq.

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